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Publications

BILL 115

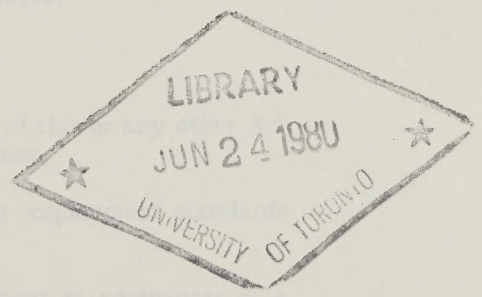
Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Employment Standards Act, 1974

MR. MACKENZIE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to protect the employment of an employee who attempts to enforce the provisions of this or any other Act or who testifies or otherwise participates in a proceeding or hearing under this or any other Act or before a court of law.



BILL 115

1980

An Act to amend The Employment Standards Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Employment Standards Act, 1974*, being chapter 112, is ^{s. 9a,} amended by adding thereto the following section: ^{enacted}

9a. No employer shall,

No discipline,
dismissal, etc.,
by employer

- (a) dismiss or threaten to dismiss an employee;
- (b) discipline or suspend an employee;
- (c) impose any penalty upon an employee; or
- (d) intimidate or coerce an employee,

because the employee,

- (e) has sought the enforcement of this or any other Act or regulations made thereunder;
- (f) has given information to an employment standards officer;
- (g) has participated in or is about to participate in a proceeding or hearing under this or any other Act or before a court of law;
- (h) testifies or is about to testify in a proceeding or hearing under this or any other Act or before a court of law.

- 2.—(1) Subsection 1 of section 57 of the said Act is repealed.

s. 57 (1),
repealed

s. 57 (2),
amended


- (2) Subsection 2 of the said section 57 is amended by striking out "subsection 1" in the second line and inserting in lieu thereof "section 9a".

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Employment Standards Amendment Act, 1980*.



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An Act to amend
The Employment Standards
Act, 1974

1st Reading

June 5th, 1980

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Member's Bill)

BILL 116

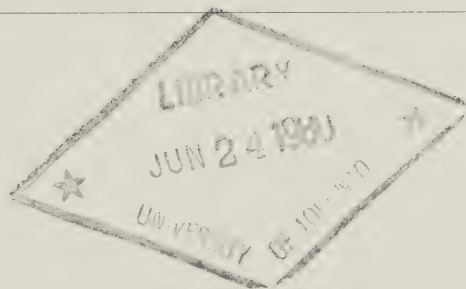
Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980

Legislature 11-10-80

An Act to amend
The Employment Standards Act, 1974

MR. MACKENZIE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to extend the application of Part XII of *The Employment Standards Act, 1974* to employees who are employed for a definite term or task and to persons who are laid off or terminated during or as a result of a strike or lock-out at his place of employment.

BILL 116

1980

**An Act to amend
The Employment Standards Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 3 of section 40 of *The Employment Standards Act, 1974*, being chapter 112, is repealed. s. 40 (3) (a).
repealed
2. Notwithstanding clause *d* of section 2 of Regulation 251 of Revised Regulations of Ontario, 1970, it is hereby declared Declaration re
R.R.O. 1970,
Reg. 251,
s. 2 (d) that Part XII of *The Employment Standards Act, 1974* applies to a person who is laid off or terminated during or as a result of a strike or lock-out at his place of employment.
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is *The Employment Standards Amendment Act, 1980*. Short title

BILL 116

An Act to amend
The Employment Standards Act, 1974

1st Reading

June 5th, 1980

2nd Reading

3rd Reading

MR. MACKENZIE

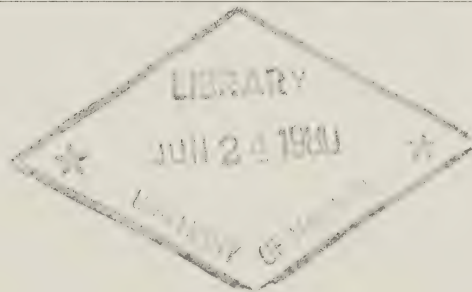
(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ^FONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Labour Relations Act

MR. MACKENZIE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to repeal a provision of the Act that prohibits the inclusion of security guards in a bargaining unit. The repeal of this provision would permit security guards to join or establish an association or union for collective bargaining purposes.

BILL 117

1980

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is repealed. s. 11,
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Labour Relations Amendment Act*, Short title
1980.

An Act to amend
The Labour Relations Act

1st Reading

June 5th, 1980

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

**An Act respecting
the Registered Insurance Brokers of Ontario**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill establishes the Registered Insurance Brokers of Ontario as a self-governing body composed of persons who act as insurance brokers in Ontario. The Bill continues the Registered Insurance Brokers of Ontario as a body corporate and provides the Corporation with certain powers in relation to the registration and discipline of insurance brokers. The Bill sets out procedures governing the manner in which the Corporation exercises its powers and establishes a procedure for dealing with complaints from the public concerning insurance brokers. The Bill provides for lay representation on the Council and committees of the Corporation. The Bill makes it an offence for a person to act as an insurance broker unless the person is registered as an insurance broker under the Act.

Part II of the Bill contains complementary amendments to *The Insurance Act*.

BILL 118

1980

An Act respecting the Registered Insurance Brokers of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

REGISTERED INSURANCE BROKERS OF ONTARIO

1. In this Act,

Interpre-
tation

- (a) “applicant” means an individual, partnership or corporation that applies for registration under this Act;
- (b) “board of inquiry” means a board of inquiry appointed by the Council;
- (c) “certificate” means a certificate issued under this Act;
- (d) “Complaints Committee” means the Complaints Committee of the Council established under this Act;
- (e) “Council” means the Council of the Registered Insurance Brokers of Ontario;
- (f) “contract” has the same meaning as in *The Insurance Act* but does not include a contract of life insurance as defined in that Act; R.S.O. 1970,
c. 224
- (g) “Corporation” means the body corporate known as the Registered Insurance Brokers of Ontario;
- (h) “Discipline Committee” means the Discipline Committee of the Council established under this Act;
- (i) “incapacitated member” means a member suffering from a physical or mental condition or disorder of a

nature and extent making it desirable in the interest of the public or the member that he no longer be permitted to carry on business as a registered insurance broker or that his business be restricted;

R.S.O. 1970,
c. 224

- (j) “insurance” has the same meaning as in *The Insurance Act* but does not include life insurance as defined in that Act;
- (k) “insurance agent” means an agent within the meaning of *The Insurance Act*;
- (l) “insurance broker” means any person who or which for any compensation, commission or other thing of value, with respect to persons or property in Ontario, deals directly with the public and,
 - (i) acts or aids in any manner in soliciting, negotiating or procuring the making of any contract of insurance or reinsurance whether or not he has agreements with insurers allowing him to bind coverage and countersign insurance documents on behalf of insurers, or
 - (ii) provides risk management services including claims assistance where required, or
 - (iii) provides consulting or advisory services with respect to insurance or reinsurance, or
 - (iv) holds himself out as an insurance consultant or examines, appraises, reviews or evaluates any insurance policy, plan or program or makes recommendations or gives advice with regard to any of the above;
- (m) “Manager” means the Manager of the Registered Insurance Brokers of Ontario;
- (n) “member” means an individual, partnership or corporation registered under this Act to carry on business as an insurance broker;
- (o) “Minister” means the Minister of Consumer and Commercial Relations;
- (p) “misconduct” means misconduct as defined in the regulations;
- (q) “person” includes a partnership and an unincorporated association;

- (r) "public" means persons other than insurers, insurance brokers, insurance adjusters and insurance agents;
- (s) "Qualification and Registration Committee" means the Qualification and Registration Committee of the Council established under this Act;
- (t) "registered insurance broker" means a person registered under this Act to carry on business as an insurance broker;
- (u) "Superintendent" means the Superintendent of Insurance.

2.—(1) No person shall act as an insurance broker unless the person is a registered insurance broker under this Act. Prohibition

(2) Subsection 1 does not apply to, Exceptions

- (a) lawyers, accountants, or actuaries acting in their professional capacity;
- (b) an insurance agent licensed under *The Insurance Act*, while acting within the authority of his licence; R.S.O. 1970, c. 224
- (c) an insurance adjuster licensed under *The Insurance Act*, while acting within the authority of his licence;
- (d) any individual, partnership or corporation who acts solely as a reinsurance broker;
- (e) a person registered under *The Travel Industry Act, 1974* acting in respect of travel accident and sickness, baggage or trip cancellation insurance; 1974, c. 115
- (f) an employee of a person registered under this Act when the employee is acting for or on behalf of his employer engaged solely in the performance of clerical or administrative duties in the office of his employer;
- (g) any regular salaried employee of an insured or of a subsidiary or affiliate or corporate insured whose duties in whole or in part are to negotiate for or procure insurance or render other services on behalf of such employer or employers in connection with the procuring or maintaining of insurance on the property or risks of such employer or employers if the employee does not receive compensation, commission or other thing of value from any insurance agent, broker, or insurer for, or in connection with such services;

- (h) a trustee appointed under this Act;
- (i) an insurer or a subsidiary or an affiliate of an insurer or any employee, officer or director thereof if he is not acting in any manner in soliciting, negotiating or procuring the making of any contract of insurance;
- (j) such other persons as are exempted by the regulations.

Prohibition **3.—**(1) No person shall hold himself or itself out as an insurance broker or as the holder of a certificate under this Act unless the person is the holder of a certificate under this Act.

Use of title (2) No person shall use the title “registered insurance broker” or the designation “R.I.B. (Ont.)” or other designation representing or similar to the title unless the person is the holder of a certificate as a registered insurance broker under this Act.

Corporation continued **4.—**(1) The Registered Insurance Brokers of Ontario is continued as a body corporate without share capital with power to acquire, hold, dispose of and otherwise deal with real and personal property for the purposes of this Act.

Objects (2) The Corporation shall have the general purpose of carrying out the powers and duties conferred on it by this Act.

Membership **5.—**(1) Every person who is registered by the Corporation is a member of the Corporation.

Resignation of membership (2) An individual member may resign his membership by filing with the Manager his resignation in writing and his registration is thereupon cancelled subject to the continuing jurisdiction of the Corporation in respect of any disciplinary action arising out of his conduct while a member.

Cancellation for default of fees (3) The Manager may cancel a registration for non-payment of any prescribed fee after giving the member at least one month notice of the default and intention to cancel the registration subject to the continuing jurisdiction of the Corporation.

Council **6.—**(1) The Council shall be the governing body and board of directors of the Corporation and shall manage and administer its affairs.

Composition (2) Subject to the regulations, the Council shall be composed of,

- (a) eight persons who are individual members of the Corporation and are elected by the members in the manner provided by the regulations;

- (b) three persons who are not members of the Corporation and are appointed by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may, by regulation, vary the size of the Council but at least one-quarter of the members of the Council shall be persons appointed by the Lieutenant Governor in Council who are not members of the Corporation. Increased size of Council

(4) Notwithstanding clause *a* of subsection 2, when this Act comes into force, the Lieutenant Governor in Council shall appoint to the Council the eight persons who are individual members of the Corporation for a term of three years, in the case of four of the appointees, and five years, in the case of four of the appointees. Transition

(5) The appointment of every person appointed under clause *b* of subsection 2 shall be for a term not exceeding four years and a person whose appointment expires is eligible for one reappointment. Appointment

7. Every individual member who is,

Qualifications to vote

(a) registered under this Act; and

(b) not in default of payment of any prescribed fee,

is qualified to vote at an election of members of the Council.

8.—(1) The Council shall elect annually a President and one or more Vice-Presidents from among its members. President and Vice-President

(2) The Council shall appoint during pleasure a Manager and such other officers and servants as may from time to time be necessary or desirable in the opinion of the Council to perform the work of the Corporation. Manager and officers

(3) A majority of the members of the Council, including at least one member who is not a member of the Corporation, constitutes a quorum. Quorum

9. The Superintendent shall be deemed to have an interest in the Corporation, as the representative of all persons who may be served by registered insurance brokers, and the Corporation shall, within a reasonable time, furnish the Superintendent with such information and financial statements with respect to the Corporation as the Superintendent may require. Superintendent

10.—(1) The Corporation shall, within four months after the termination of each financial year, provide to its members, the Annual report of Corporation

Minister and the Superintendent an annual report relating to its activities in that year including,

- (a) financial statements of the Corporation and the auditor's report thereon;
- (b) a summary of the complaints received against members, categorized by source, type and disposition of the complaint;
- (c) a summary of disciplinary proceedings undertaken against members, categorized by source, type and disposition of the proceedings;
- (d) a summary of the applications for registration and the disposition of the applications;
- (e) membership statistics of the Corporation, categorized by size and type of member;
- (f) an identification of matters of policy currently under review by the Council and of any proposed changes in policies or programs; and
- (g) any other information considered relevant by the Corporation or requested by the Minister or Superintendent.

Annual
report of
Super-
intendent

(2) The Superintendent shall make an annual examination of the affairs of the Corporation and shall report concerning the examination to the Minister and the Minister shall then lay the annual report of the Corporation and the report of the Superintendent before the Assembly if it is in session and, if not, at the next ensuing session.

By-laws

11.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the Corporation not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing,

- (a) prescribing the seal of the Corporation;
- (b) providing for the execution of documents by the Corporation;
- (c) fixing the financial year of the Corporation and providing for the audit of the accounts and transactions of the Corporation;
- (d) providing procedures for the election of President, Vice-Presidents and other officers of the Corporation, the

filling of a vacancy in those offices, and prescribing their duties;

- (e) respecting the calling, holding and conducting of meetings of the Council and the duties of members of the Council;
- (f) respecting the calling, holding and conducting of meetings of the membership of the Corporation;
- (g) prescribing the remuneration of the members of the Council and committees and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;
- (h) providing for the appointment, composition, powers and duties of the committees of Council as may be required, including the filling of vacancies and the setting of quorums;
- (i) prescribing forms and providing for their use;
- (j) providing procedures for the making, amending and revoking of by-laws;
- (k) respecting management of the property of the Corporation;
- (l) fixing and providing for the payment of annual fees and special assessments by members and fees for certificates and examinations;
- (m) providing for the borrowing of money on the credit of the Corporation and the charging, mortgaging, hypothecating or pledging of any of the real or personal property of the Corporation to secure any money borrowed or other debt or any other obligation or liability of the Corporation;
- (n) respecting the application of the funds of the Corporation and the investment and reinvestment of any of its funds not immediately required in any investments that are from time to time authorized investments for joint stock insurance companies and cash mutual insurance companies under *The Insurance Act*;
- (o) providing for classes of membership and setting for the designation of and the terms and conditions attaching to each class;

- (p) respecting the keeping of records by the Corporation, Council, committees and members;
- (q) respecting the duties and authority of the Manager;
- (r) respecting all other things that are considered necessary for the attainment of the objects of the Corporation and the efficient conduct of its affairs.

Idem (2) A copy of the by-laws made under subsection 1 and amendments thereto,

(a) shall be forwarded to the Superintendent; and

(b) shall be available for public inspection in the office of the Corporation.

Signed
by-laws
and
resolutions

(3) Any by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council duly called, constituted and held for that purpose.

Establish-
ment of
committees

12. The Council shall establish and appoint as hereinafter provided the following committees:

(a) a Qualification and Registration Committee;

(b) one or more Complaints Committees;

(c) a Discipline Committee,

and may establish such other or additional committees as the Council from time to time considers necessary.

Issuance
of
certificates
of
registration

13.—(1) The Manager shall issue a certificate or renewal thereof to any applicant therefor who is qualified under this Act and the regulations and has passed such examinations as the Council may set or approve and the Manager shall refer to the Qualification and Registration Committee every application for a certificate or renewal thereof that he proposes to refuse.

Powers and
duties of
Qualification
and
Registration
Committee

(2) The Qualification and Registration Committee shall determine the eligibility of applicants for certificates or renewals thereof and may require an applicant to take and pass such additional examinations as the Council may set or approve and pay such fees therefor as the Qualification and Registration Committee fixes or to take such additional training as the Qualification and Registration Committee specifies.

Conditions
of
certificates

(3) The Qualification and Registration Committee may direct the Manager to issue or refuse to issue certificates and renewals.

(4) The Qualification and Registration Committee may review the qualifications of any member and may impose a limitation on the member's certificate pending the demonstration of such standard of competence through the completion of such experience, courses of study or continuing education as the Committee specifies.

Review of
qualifi-
cations

(5) The Manager shall maintain one or more registers in which is entered every person to whom a certificate has been issued identifying the terms of the certificate or the registration and every revocation, suspension, cancellation and expiration or other termination and every renewal of the certificate and such other information as the Qualification and Registration Committee or Discipline Committee directs.

Registers

14.—(1) Where the Qualification and Registration Committee proposes to refuse to grant a certificate to an applicant, the Manager on behalf of the Committee shall serve notice of the proposal of the Committee together with written reasons therefor, on the applicant.

Notice of
proposal
to refuse
registration

(2) Subsection 1 does not apply to a refusal to grant a certificate to a person who was previously registered and whose registration was suspended or revoked as a result of a decision of the Discipline Committee.

Exemptions

(3) A notice under subsection 1 shall inform the applicant that he is entitled to a hearing by the Qualification and Registration Committee if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Committee requiring a hearing.

Notice
requiring
hearing or
review

(4) Where an applicant does not require a hearing by the Committee in accordance with subsection 3, the Committee may refuse the application.

Powers of
Qualification
and
Registration
Committee
where
hearing or
review

(5) The findings of fact of the Committee pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under section 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Findings
of fact

1971, c. 47

(6) The provisions of subsections 2 to 5 and subsections 7 and 8 of section 19 apply with necessary modifications to proceedings before the Committee under this section.

Procedures
on hearings

(7) The Committee shall, after the hearing or review,

Powers of
Committee
upon hearing
or review

(a) confirm the proposed decision; or

(b) require the applicant to take qualifying examinations or additional training as a condition for registration, or both, as specified by the Committee; or

- (c) direct the Manager to register the applicant on any appropriate register subject to such conditions as the Committee considers appropriate in cases where the Committee finds that the applicant meets the requirements for registration.

Complaints
Committee

15.—(1) Each Complaints Committee shall be composed of such number of persons as the Council may determine but at least one member of the Committee shall be a person who is not a member of the Corporation and who is appointed to the Council by the Lieutenant Governor in Council.

Appointment

(2) The Council may appoint any individual member of the Corporation to a Complaints Committee.

Membership
in other
committees

(3) No person who is a member of the Discipline Committee shall be a member of a Complaints Committee.

Chairman

(4) The Council shall name one member of each Complaints Committee to be chairman of that Committee.

Quorum

(5) A majority of the members of a Complaints Committee constitutes a quorum.

Duties

16.—(1) A Complaints Committee shall consider and investigate complaints regarding the conduct or actions of any member of the Corporation, but no action shall be taken by the Committee under clause *a* of subsection 2 unless,

- (a) a written complaint has been filed with the Manager and the member whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanation or representations he may wish to make concerning the matter; and
- (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

Idem

(2) The Committee in accordance with the information it receives may,

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee;
- (b) direct that the matter not be referred under clause *a*;
- (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.

17.—(1) The Discipline Committee shall be composed of such number of persons as the Council may determine but at least two members of the Committee shall be persons who are not members of the Corporation and who are appointed to the Council by the Lieutenant Governor in Council. Discipline Committee

(2) The Council may appoint any individual member of the Corporation to the Discipline Committee. Appointment

(3) The Council shall appoint one of the members of the Discipline Committee who is a member of Council to be the chairman of the Committee. Chairman

(4) The chairman of the Discipline Committee may assign a panel of five members of the Committee to hold a hearing of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council. Composition of panels

(5) Three members of a panel assigned under subsection 4, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum for a hearing and all disciplinary decisions require the vote of a majority of members of the Discipline Committee presiding at the hearing. Quorum and votes

(6) Where a panel of the Discipline Committee commences a hearing and the member thereof who is appointed to the Council by the Lieutenant Governor in Council becomes unable to continue to act, the remaining members may complete the hearing notwithstanding his absence. Disability of lay member

(7) The Council may direct the Discipline Committee to hold a hearing and determine any specified allegation of misconduct or incompetence on the part of a member. Reference by Council

18.—(1) The Discipline Committee shall, Duties of Discipline Committee

- (a) when so directed by the Council or by a Complaints Committee, hear and determine allegations of misconduct or incompetence against any member;
- (b) hear and determine matters referred to it under sections 16 and 22; and
- (c) perform such other duties as are assigned to it by the Council.

(2) In the case of hearings into allegations of misconduct or incompetence, the Discipline Committee shall, Idem

- (a) consider the allegations, hear the evidence and ascertain the facts of the case;

- (b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;
- (c) determine whether in respect of the allegations so proved the member is guilty of misconduct or incompetence;
- (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of misconduct or of incompetence.

Misconduct

(3) A member may be found guilty of misconduct by the Committee if,

- (a) the member has been found guilty of an offence relevant to the member's suitability to carry on business as a registered insurance broker upon proof of such conviction; or
- (b) the member has been guilty in the opinion of the Discipline Committee of misconduct as defined in the regulations.

Incompetence

(4) The Discipline Committee may find a member to be incompetent if in its opinion the member has, while acting as an insurance broker, displayed a serious lack of knowledge, skill or judgment or a serious disregard for the welfare of a member of the public.

Powers of
Discipline
Committee

(5) Where the Discipline Committee finds a member guilty of misconduct or incompetence it may by order,

- (a) revoke the certificate of the member;
- (b) suspend the certificate of the member for a stated period;
- (c) impose such restrictions on the certificate of the member for such a period and subject to such conditions as the Committee designates;
- (d) reprimand the member and, if deemed warranted, direct that the fact of such reprimand be recorded on the register;
- (e) impose such fine as the Committee considers appropriate to a maximum amount prescribed in the regulations to be paid by the member to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;

(f) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates;

(g) impose a requirement that the member reimburse any person who made a complaint against the member for any costs incurred by such person in the proceedings,

or any combination thereof.

(6) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the Corporation reimburse the member for his costs or such portion thereof as the Discipline Committee fixes. Costs

(7) Where the Discipline Committee revokes, suspends or restricts the certificate of a member on the grounds of misconduct or incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision unless the court to which the appeal is taken orders otherwise. Stay

(8) Where the Discipline Committee finds a member guilty of misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member. Service of decision of Discipline Committee

(9) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated. Continuation on expiry of Committee membership

19.—(1) In proceedings before the Discipline Committee, the Corporation and the member of the Corporation whose conduct is being investigated in the proceedings are parties to the proceedings. Parties to discipline proceedings

(2) A member whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Council considering the referral of the matter to the Discipline Members holding hearing not to have taken part in investigation, etc.

Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate.

In camera
1971, c. 47

(4) Notwithstanding anything in *The Statutory Powers Procedure Act, 1971*, hearings of the Discipline Committee shall be held *in camera*, but, if the person whose conduct is being investigated requests otherwise by a notice delivered to the Manager before the day fixed for the hearing, the Committee shall conduct the hearing in public except where,

- (a) matters involving public security may be disclosed; or
- (b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

Recording
of
evidence

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies or a transcript thereof shall be furnished to the parties at their own cost.

Evidence

(6) Notwithstanding *The Statutory Powers Procedure Act, 1971*, nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it.

Only members
at hearing to
participate
in decision

(7) No member of the Discipline Committee shall participate in a decision of the Committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties.

Release of
documentary
evidence

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the person who produced them, be released to him by the Committee within a reasonable time after the matter in issue has been finally determined.

Reference
to board
of inquiry

20.—(1) Where the Manager receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate and report to the Council who may, upon notice to the member, appoint a board of inquiry composed of at least two members of the Corporation and one member of the Council appointed thereto by the Lieutenant Governor in Council who shall inquire into the matter.

Examina-
tion

(2) The board of inquiry shall make such inquiries as it considers appropriate and may require the member to submit to physical

or mental examination by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his certificate be suspended until he complies.

(3) The board of inquiry shall report its findings to the Council and deliver a copy thereof and a copy of any medical report obtained under subsection 2 to the member about whom the report is made and if, in the opinion of the Council, the evidence so warrants, the Council shall refer the matter to the Qualification and Registration Committee to hold a hearing and may suspend the member's certificate until the determination of the question of his capacity becomes final.

Hearing by
Qualification
and
Registration
Committee

(4) The Corporation, the person whose capacity is being investigated and any other person specified by the Qualification and Registration Committee are parties to a proceeding under this section.

Parties

(5) A legally qualified medical practitioner is not compellable to produce at the hearing his case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceeding,

Medical
evidence

- (a) where the evidence is required by the Corporation, at least five days before the hearing commences; and
- (b) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

(6) The Qualification and Registration Committee shall, after the hearing,

Powers of
Qualification
and
Registration
Committee

- (a) make a finding as to whether or not the member is an incapacitated member; and
- (b) where the member is found to be an incapacitated member, by order,
 - (i) revoke his certificate,

- (ii) suspend his certificate for such period as the Committee considers appropriate, or
- (iii) attach such terms and conditions to the certificate as the Committee considers appropriate.

Appeal to
court

21.—(1) Any party to proceedings before the Discipline Committee or the Qualification and Registration Committee may appeal from its decision or order to the Supreme Court.

Powers of
court on
appeal

(2) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Committee appealed from and may exercise all powers of the Committee and may direct the Committee or the Corporation to take any action which the Committee or the Corporation may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the Committee, or the court may refer the matter back to the Committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Restoration
of regis-
tration or
certificate

22.—(1) A person whose certificate has been revoked or suspended for cause under this Act, may apply at any time in writing to the Manager for the issuance of a certificate or removal of the suspension.

Reference
to
Discipline
Committee

(2) The Manager shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Qualification and Registration Committee, which shall hold a hearing and decide upon the application, and shall report its decision and reasons to the Council and to the former member.

Restrain-
ing orders

23.—(1) Where it appears to the Corporation that a person does not comply with a provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Corporation may apply to a judge of the Supreme Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Stop-
orders

24.—(1) Where the Corporation made a *prima facie* case that a member has been or may be guilty of misconduct in connection with any property in his possession or under his control, a judge of the Supreme Court may, upon an *ex parte* application by the Corporation, order that the property described in the order shall

not be paid out or dealt with by the person or persons named in the order without the leave of a judge of the Supreme Court.

(2) Where the Corporation makes a *prima facie* case that the business of a member or former member is neglected to the prejudice of any person or that the interests of the clients of the member or former member are not being protected or that the member or former member has converted trust funds, a judge of the Supreme Court may, upon *ex parte* application by the Corporation, by order appoint a person as trustee with or without bond, to take possession of any property or undertaking in the possession of or under the control of the member or former member for the purpose of preserving, carrying on or winding up the business of the member or former member. Appointment of trustees

(3) A person appointed under subsection 2 shall, in respect of any trust property of the member or former member, be the trustee thereof, and he shall in respect thereof take the place of a personal representative, committee or other representative, if any, of the member or former member. Idem

(4) Any person may apply to a judge of the Supreme Court for an order varying or discharging any order made under subsection 1 or 2. Variation, discharge of order

(5) The judge may, in an order made under subsection 2, make provision for the remuneration, disbursements and indemnification of the trustee out of such moneys or otherwise as the judge may specify. Remuneration

25.—(1) Where the Manager, or in his absence, a person designated by the Manager, believes on reasonable and probable grounds that a member has committed an act of misconduct or incompetence, the Manager or the Manager's designate may by order appoint one or more persons to make an investigation to ascertain whether such an act has occurred, and the person appointed shall report the result of his investigation to the Manager or the Manager's designate. Investigation of members

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to the subject-matter of the investigation, and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Powers of investigator 1971, c. 49

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Search
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection 2 or 4 relating to the member whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

Admissi-
bility
of copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

Report of
Manager

(7) The Manager shall report the results of the investigation to the Council or such other committee as he considers appropriate.

Matters
confidential

26.—(1) Every person employed in the administration of this Part, including any person making an inquiry or investigation under section 25 and any member of the Council or a Committee, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under section 25 and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Act or the regulations or by-laws.

Testimony
in civil
suit

(3) Any information, document, record, statement or thing made or disclosed to the Manager, the Council or a committee of Council concerning a member or a person applying for registration under this Act is privileged and shall not be used as evidence in any civil action or proceeding in any court brought by or on behalf of such member or person.

Privileged
information

27.—(1) No certificate shall be issued to a corporation that acts as an insurance broker if the majority of its issued and outstanding shares that entitle the holder to any voting rights are owned beneficially or otherwise by a non-resident of Canada as defined in subsection 2b of section 353 of *The Insurance Act* unless the corporation was licensed as a broker under *The Insurance Act* on the 27th day of April, 1972.

Prohibition
re: non-
residents

R.S.O. 1970,
c. 224

(2) A corporation that was licensed as an insurance broker on or before the 27th day of April, 1972, and whose issued shares entitling the holders thereof to voting rights were more than 50 per cent owned, as of that date, beneficially or otherwise, by one or more non-residents of Canada is not entitled to continue to hold a certificate under this Act if it amalgamates, unites, merges, acquires the assets or business of, or acquires the shares of any other broker or a licensed agent or adjuster.

Prohibition
of a non-
resident to
amalgamate

28.—(1) Every member shall maintain a mailing address in Ontario, which address shall be suitable to permit service by registered mail, and shall register the mailing address with the Manager.

Mailing
address

(2) Any legal process and any notice or document served personally or served by registered mail at the mailing address registered with the Manager is deemed for all purposes to have been served personally upon the member.

Personal
service

(3) For the purpose of any civil action brought against a member, the member is deemed to be a resident of the county in which the mailing address is located.

Deemed
resident

Service of
notice

29.—(1) Subject to section 28, any notice or document required by this Act to be served may be served personally or by prepaid first class mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

Idem

(2) For a period of one year after the date on which a former member ceased to be a member of the Corporation, the mailing address of the former member registered with the Manager under section 28 shall be deemed to be the former member's last known address unless the former member registers a new mailing address with the Manager.

Administer-
ing oaths

(3) Every member of the Qualification and Registration Committee, the Discipline Committee and each Complaints Committee has power to administer oaths and affirmations for the purposes of any of its proceedings.

Registrar's
certificate
as evidence

30. Any statement containing information from the records required to be kept by the Manager under this Act, purporting to be certified by the Manager under the seal of the Corporation is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the Manager and without proof of the seal.

Corporation,
Council and
committees

31. No action or other proceeding for damages shall be instituted against the Corporation, the Council, a Committee or any member of the Council or committee, or any officers, servants, agents or appointees of the Corporation, for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Trust
funds

32.—(1) All funds received or receivable by a member on behalf of insurers in the course of his business from the public on payment of premiums or for services performed or to be performed in the future are deemed to be trust funds.

Idem

(2) No member shall assign, pledge, hypothecate or mortgage or in any way charge the funds referred to in subsection 1 whether or not such funds have been received or remain receivable.

Idem

(3) Any assignment, pledge, hypothecation, mortgage or other charge of or on funds referred to in subsection 1 is null and void as against the beneficial owner of the funds.

33.—(1) No person shall make or cause to be made any wilful falsification in any matter relating to a register or issue a false certificate or document with respect to registration. Falsification of certificates

(2) No person shall wilfully procure or attempt to procure himself or any other person to be registered under this Act by knowingly making any false representation or declaration or by making any fraudulent representation or declaration, either orally or in writing. False representations, etc.

34.—(1) Every person who contravenes any provision of this Act and every director or officer of a corporation or unincorporated association and every member of a partnership who knowingly concur in such contravention is guilty of an offence and on conviction is liable to a fine of \$5,000 or to imprisonment for a term of not more than six months, or to both. Offence

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporation

(3) No proceeding under this section shall be commenced more than five years after the time when the subject-matter of the proceeding arose. Limitation period

35. The Lieutenant Governor in Council may make regulations, Regulations

- (a) respecting and governing the nomination, election and term of office of the members to be elected to the Council, the filling of vacancies on the Council and controverted elections;
- (b) governing the size and composition of the Council;
- (c) respecting any matter ancillary to the provisions of this Act with regard to the issuing, renewal, suspension and revocation of certificates;
- (d) providing for the expiration of certificates and governing and establishing the requirements and qualifications for the issuing and renewal of certificates;
- (e) providing for the maintenance and inspection of registers;
- (f) governing standards of practice for registered insurance brokers;
- (g) defining misconduct for the purposes of this Act and providing for a code of conduct;

- (h) providing for a program for the continuing education of members to maintain their standard of competence and requiring members to participate in such continuing education;
- (i) respecting the reporting and publication of decisions in disciplinary matters;
- (j) providing for the compilation of statistical information on the supply, distribution and business activities of members and requiring members to provide the information necessary to compile such statistics;
- (k) fixing maximum fines that may be imposed upon members found guilty of misconduct;
- (l) establishing rules of practice and procedure for hearings held under this Act;
- (m) respecting trust funds and the keeping of trust accounts by members;
- (n) respecting the reporting and auditing of members' accounts and specifying the type and nature thereof;
- (o) requiring the filing of financial guarantees by members of the Corporation and respecting the collateral security for terms, conditions and form of financial guarantees;
- (p) establishing and governing minimum indemnity insurance requirements for members and requiring and respecting errors and omissions insurance;
- (q) establishing and governing minimum equity capitalization requirements for members;
- (r) establishing and respecting restrictions and limitations on the sale and ownership of insurance brokers and the businesses of insurance brokers;
- (s) prescribing forms and providing for their use;
- (t) exempting any person or group of persons from all or part of the provisions of this Act and the regulations subject to such terms and conditions as may be set out in the regulations.

Transition

36.—(1) Notwithstanding any other provision of this Act, a person holding a valid licence as an insurance agent or an insurance broker under *The Insurance Act* issued before the day on

which this section comes into force, who is an insurance broker within the meaning of insurance broker contained in this Act, shall be deemed to be a registered insurance broker under this Act and the person shall be so registered as a member by the Manager.

(2) Notwithstanding any other provision of this Act, a person ^{Idem} who has carried on business as an insurance consultant for a period of five years before the day on which this Act comes into force and who complies with this Act and the regulations is entitled, upon application made within two months of the day on which this Act comes into force, to become a registered insurance broker and the person shall be so registered as a member by the Manager.

PART II

INSURANCE ACT AMENDMENTS

37.—(1) Paragraph 5 of section 1 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: ^{s. 1, par. 5, re-enacted}

5. “agent” means a person who for compensation, commission, or any other thing of value, solicits insurance on behalf of an insurer who has appointed him to act as his agent and on behalf of the Facility Association under *The Compulsory Automobile Insurance Act, 1979* or a person who, not being a member of the Registered Insurance Brokers of Ontario or not being a person acting under the authority of subsection 15, 16 or 17 of section 342, solicits insurance on behalf of an insurer or transmits for a person other than himself an application for, or a policy of insurance to or from an insurer, or offers or assumes to act in the negotiation of such insurance or in negotiating its continuance or renewal with an insurer. ^{1979, c. 87}

(2) Paragraph 11 of the said section 1 is repealed and the following substituted therefor: ^{s. 1, par. 11, re-enacted}

11. “broker” means an insurance broker within the meaning of *The Registered Insurance Brokers Act, 1980*. ^{1980, c. ...}

38.—(1) Subsection 12 of section 342 of the said Act is repealed and the following substituted therefor: ^{s. 342 (12), re-enacted}

(12) No agent for insurance other than life insurance shall be licensed to act as agent for more than one insurer transacting ^{Authority of agent}

insurance and the name of such insurer shall be specified in the licence and no such agent shall represent himself to the public by advertisement or otherwise as the agent of more than one such insurer.

Insurance
groups

(12a) Notwithstanding subsection 12, an agent may be licensed to act as agent for an affiliated group of insurers that, in the opinion of the Superintendent, are carrying on business as a common undertaking and such affiliated group of insurers shall be deemed to be an insurer for the purpose of determining the agent's authority to act as an agent under this Act.

s. 342 (18),
repealed

(2) Subsection 18 of the said section 342 is repealed.

s. 343,
repealed

39. Section 343 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 66, section 13, is repealed.

ss. 344, 345
and 346,
repealed

40. Sections 344, 345 and 346 of the said Act are repealed.

s. 352 (1),
amended

41. Subsection 1 of section 352 of the said Act is amended by striking out "brokers" in the first line.

s. 353 (1),
amended

42.—(1) Subsection 1 of section 353 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 84, section 19, is amended by striking out "brokers" in the first line and "broker" in the fourth line.

s. 353 (2),
amended

(2) Subsection 2 of the said section 353 is amended by striking out "or brokers" in the first line and by striking out "or broker" in the fourth line.

s. 353 (2a),
amended

(3) Subsection 2a of the said section 353, as enacted by the Statutes of Ontario, 1972, chapter 66, section 14, is amended by striking out "broker" in the second line.

s. 353 (2c),
amended

(4) Subsection 2c of the said section 353, as enacted by the Statutes of Ontario, 1972, chapter 66, section 14, is amended by striking out "broker" in the first line and in the ninth line.

s. 353 (3),
amended

(5) Subsection 3 of the said section 353 is amended by striking out "brokers" in the fourth line.

s. 353 (6),
amended

(6) Subsection 6 of the said section 353 is amended by striking out "or broker" in the second line.

s. 354,
amended

43. Section 354 of the said Act is amended by striking out "broker" in the second line, the third line and the sixth line.

s. 356 (1),
re-enacted

44. Subsection 1 of section 356 of the said Act is repealed and the following substituted therefor:

(1) No insurer, and no officer, employee or agent thereof, and no broker, shall directly or indirectly pay or allow, or agree to pay or allow, compensation or anything of value to any person for placing or negotiating insurance on lives, property or interests in Ontario, or negotiating the continuance or renewal thereof, or for attempting so to do, who, at the date thereof, is not an agent or broker or a person acting under subsection 15 of section 342 and whoever contravenes this subsection is guilty of an offence.

No compensation to be paid by insurer not licensed

45. Section 359 of the said Act is amended by striking out "a broker or adjuster" in the second line and inserting in lieu thereof "an adjuster".

s. 359, amended

46. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commencement

47. The short title of this Act is *The Registered Insurance Brokers Act, 1980*.

Short title

An Act respecting the
Registered Insurance Brokers of Ontario

1st Reading

June 6th, 1980

2nd Reading

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

(Government Bill)

3
BILL 118

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislature Assembly

An Act respecting
the Registered Insurance Brokers of Ontario

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Administration of Justice Committee)

TORONTO

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EXPLANATORY NOTE

The Bill establishes the Registered Insurance Brokers of Ontario as a self-governing body composed of persons who act as insurance brokers in Ontario. The Bill continues the Registered Insurance Brokers of Ontario as a body corporate and provides the Corporation with certain powers in relation to the registration and discipline of insurance brokers. The Bill sets out procedures governing the manner in which the Corporation exercises its powers and establishes a procedure for dealing with complaints from the public concerning insurance brokers. The Bill provides for lay representation on the Council and committees of the Corporation. The Bill makes it an offence for a person to act as an insurance broker unless the person is registered as an insurance broker under the Act.

Part II of the Bill contains complementary amendments to *The Insurance Act*.

BILL 118

1980

An Act respecting the Registered Insurance Brokers of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

REGISTERED INSURANCE BROKERS OF ONTARIO

1. In this Act,

Interpre-
tation

- (a) “applicant” means an individual, partnership or corporation that applies for registration under this Act;
- (b) “board of inquiry” means a board of inquiry appointed by the Council;
- (c) “certificate” means a certificate issued under this Act;
- (d) “Complaints Committee” means the Complaints Committee of the Council established under this Act;
- (e) “Council” means the Council of the Registered Insurance Brokers of Ontario;
- (f) “contract” has the same meaning as in *The Insurance Act* but does not include a contract of life insurance as defined in that Act; R.S.O. 1970,
c. 224
- (g) “Corporation” means the body corporate known as the Registered Insurance Brokers of Ontario;
- (h) “Discipline Committee” means the Discipline Committee of the Council established under this Act;
- (i) “incapacitated member” means a member suffering from a physical or mental condition or disorder of a

nature and extent making it desirable in the interest of the public or the member that he no longer be permitted to carry on business as a registered insurance broker or that his business be restricted;

R.S.O. 1970,
c. 224

- (j) "insurance" has the same meaning as in *The Insurance Act* but does not include life insurance as defined in that Act;
- (k) "insurance agent" means an agent within the meaning of *The Insurance Act*;
- (l) "insurance broker" means any person who or which for any compensation, commission or other thing of value, with respect to persons or property in Ontario, deals directly with the public and,
 - (i) acts or aids in any manner in soliciting, negotiating or procuring the making of any contract of insurance or reinsurance whether or not he has agreements with insurers allowing him to bind coverage and countersign insurance documents on behalf of insurers, or
 - (ii) provides risk management services including claims assistance where required, or
 - (iii) provides consulting or advisory services with respect to insurance or reinsurance, or
 - (iv) holds himself out as an insurance consultant or examines, appraises, reviews or evaluates any insurance policy, plan or program or makes recommendations or gives advice with regard to any of the above;
- (m) "Manager" means the Manager of the Registered Insurance Brokers of Ontario;
- (n) "member" means an individual, partnership or corporation registered under this Act to carry on business as an insurance broker;
- (o) "Minister" means the Minister of Consumer and Commercial Relations;
- (p) "misconduct" means misconduct as defined in the regulations;
- (q) "person" includes a partnership and an unincorporated association;

- (r) “public” means persons other than insurers, insurance brokers, insurance adjusters and insurance agents;
- (s) “Qualification and Registration Committee” means the Qualification and Registration Committee of the Council established under this Act;
- (t) “registered insurance broker” means a person registered under this Act to carry on business as an insurance broker;
- (u) “Superintendent” means the Superintendent of Insurance.

2.—(1) No person shall act as an insurance broker unless the Prohibition person is a registered insurance broker under this Act.

(2) Subsection 1 does not apply to, Exceptions

- (a) lawyers, accountants, or actuaries acting in their professional capacity;
- (b) an insurance agent licensed under *The Insurance Act*, R.S.O. 1970, c. 224 while acting within the authority of his licence;
- (c) an insurance adjuster licensed under *The Insurance Act*, while acting within the authority of his licence;
- (d) any individual, partnership or corporation who acts solely as a reinsurance broker;
- (e) a person registered under *The Travel Industry Act, 1974* 1974, c. 115 acting in respect of travel accident and sickness, baggage or trip cancellation insurance;
- (f) an employee of a person registered under this Act when the employee is acting for or on behalf of his employer engaged solely in the performance of clerical or administrative duties in the office of his employer;
- (g) any regular salaried employee of an insured or of a subsidiary or affiliate or corporate insured whose duties in whole or in part are to negotiate for or procure insurance or render other services on behalf of such employer or employers in connection with the procuring or maintaining of insurance on the property or risks of such employer or employers if the employee does not receive compensation, commission or other thing of value from any insurance agent, broker, or insurer for, or in connection with such services;

(h) a trustee appointed under this Act;

(i) an insurer or a subsidiary or an affiliate of an insurer or any employee, officer or director thereof if he is not acting in any manner in soliciting, negotiating or procuring the making of any contract of insurance;

(j) such other persons as are exempted by the regulations.

Prohibition

3.—(1) No person shall hold himself or itself out as an insurance broker or as the holder of a certificate under this Act unless the person is the holder of a certificate under this Act.

Use of title

(2) No person shall use the title “registered insurance broker” or the designation “R.I.B. (Ont.)” or other designation representing or similar to the title unless the person is the holder of a certificate as a registered insurance broker under this Act.

Corporation continued

4.—(1) The Registered Insurance Brokers of Ontario is continued as a body corporate without share capital with power to acquire, hold, dispose of and otherwise deal with real and personal property for the purposes of this Act.

Objects

(2) The Corporation shall have the general purpose of carrying out the powers and duties conferred on it by this Act.

Membership

5.—(1) Every person who is registered by the Corporation is a member of the Corporation.

Resignation of membership

(2) An individual member may resign his membership by filing with the Manager his resignation in writing and his registration is thereupon cancelled subject to the continuing jurisdiction of the Corporation in respect of any disciplinary action arising out of his conduct while a member.

Cancellation for default of fees

(3) The Manager may cancel a registration for non-payment of any prescribed fee after giving the member at least one month notice in writing of the default and intention to cancel the registration subject to the continuing jurisdiction of the Corporation.

Council

6.—(1) The Council shall be the governing body and board of directors of the Corporation and shall manage and administer its affairs.

Composition

(2) Subject to the regulations, the Council shall be composed of,

(a) eight persons who are individual members of the Corporation and are elected by the members in the manner provided by the regulations;

- (b) three persons who are not members of the Corporation and are appointed by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may, by regulation, vary the size of the Council but at least one-quarter of the members of the Council shall be persons appointed by the Lieutenant Governor in Council who are not members of the Corporation.

Increased
size of
Council

(4) Notwithstanding clause *a* of subsection 2, when this Act comes into force, the Lieutenant Governor in Council shall appoint to the Council the eight persons who are individual members of the Corporation for a term of three years, in the case of four of the appointees, and five years, in the case of four of the appointees.

Transition

(5) The appointment of every person appointed under clause *b* of subsection 2 shall be for a term not exceeding four years and a person whose appointment expires is eligible for one reappointment.

Appointment

7. Every individual member who is,

Qualif-
ications
to vote

(a) registered under this Act; and

(b) not in default of payment of any prescribed fee,

is qualified to vote at an election of members of the Council.

8.—(1) The Council shall elect annually a President and one or more Vice-Presidents from among its members.

President
and Vice-
President

(2) The Council shall appoint during pleasure a Manager and such other officers and servants as may from time to time be necessary or desirable in the opinion of the Council to perform the work of the Corporation.

Manager
and
officers

(3) A majority of the members of the Council, including at least one member who is not a member of the Corporation, constitutes a quorum.

Quorum

9. The Superintendent shall be deemed to have an interest in the Corporation, as the representative of all persons who may be served by registered insurance brokers, and the Corporation shall, within a reasonable time, furnish the Superintendent with such information and financial statements with respect to the Corporation as the Superintendent may require.

Super-
intendent

10.—(1) The Corporation shall, within four months after the termination of each financial year, provide to its members, the

Annual
report of
Corporation

Minister and the Superintendent an annual report relating to its activities in that year including,

- (a) financial statements of the Corporation and the auditor's report thereon;
- (b) a summary of the complaints received against members, categorized by source, type and disposition of the complaint;
- (c) a summary of disciplinary proceedings undertaken against members, categorized by source, type and disposition of the proceedings;
- (d) a summary of the applications for registration and the disposition of the applications;
- (e) membership statistics of the Corporation, categorized by size and type of member;
- (f) an identification of matters of policy currently under review by the Council and of any proposed changes in policies or programs; and
- (g) any other information considered relevant by the Corporation or requested by the Minister or Superintendent.

Annual
report of
Super-
intendent

(2) The Superintendent shall make an annual examination of the affairs of the Corporation and shall report concerning the examination to the Minister and the Minister shall then lay the annual report of the Corporation and the report of the Superintendent before the Assembly if it is in session and, if not, at the next ensuing session.

By-laws

11.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the Corporation not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing,

- (a) prescribing the seal of the Corporation;
- (b) providing for the execution of documents by the Corporation;
- (c) fixing the financial year of the Corporation and providing for the audit of the accounts and transactions of the Corporation;
- (d) providing procedures for the election of President, Vice-Presidents and other officers of the Corporation, the

filling of a vacancy in those offices, and prescribing their duties;

- (e) respecting the calling, holding and conducting of meetings of the Council and the duties of members of the Council;
- (f) respecting the calling, holding and conducting of meetings of the membership of the Corporation;
- (g) prescribing the remuneration of the members of the Council and committees and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;
- (h) providing for the appointment, composition, powers and duties of the committees of Council as may be required, including the filling of vacancies and the setting of quorums;
- (i) prescribing forms and providing for their use;
- (j) providing procedures for the making, amending and revoking of by-laws;
- (k) respecting management of the property of the Corporation;
- (l) fixing and providing for the payment of annual fees and special assessments by members and fees for certificates and examinations;
- (m) providing for the borrowing of money on the credit of the Corporation and the charging, mortgaging, hypothecating or pledging of any of the real or personal property of the Corporation to secure any money borrowed or other debt or any other obligation or liability of the Corporation;
- (n) respecting the application of the funds of the Corporation and the investment and reinvestment of any of its funds not immediately required in any investments that are from time to time authorized investments for joint stock insurance companies and cash mutual insurance companies under *The Insurance Act*;
- (o) providing for classes of membership and for the designation of and the terms and conditions attaching to each class;

(p) respecting the keeping of records by the Corporation, Council, committees and members;

(q) respecting the duties and authority of the Manager;

(r) respecting all other things that are considered necessary for the attainment of the objects of the Corporation and the efficient conduct of its affairs.

Idem

(2) A copy of the by-laws made under subsection 1 and amendments thereto,

(a) shall be forwarded to the Superintendent; and

(b) shall be available for public inspection in the office of the Corporation.

Signed
by-laws
and
resolutions

(3) Any by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council duly called, constituted and held for that purpose.

Establish-
ment of
committees

12.—(1) The Council shall establish and appoint as hereinafter provided the following committees:

(a) a Qualification and Registration Committee;

(b) one or more Complaints Committees;

(c) a Discipline Committee,


and may establish such other or additional committees as the Council from time to time considers necessary.



Panel of
lay persons

(2) The Lieutenant Governor in Council may appoint such number of persons as the Lieutenant Governor in Council considers appropriate who are not members of the Corporation or members of the Council to a panel of lay persons eligible to serve as members of a Complaints Committee and the Discipline Committee.

Term of
appointment

(3) The appointment of every person under subsection 2 shall be for a term not exceeding four years and a person whose appointment expires is eligible for one reappointment. 

Issuance
of
certificates
of
registration

13.—(1) The Manager shall issue a certificate or renewal thereof to any applicant therefor who is qualified under this Act and the regulations and has passed such examinations as the Council may set or approve and the Manager shall refer to the Qualification and Registration Committee every application for a certificate or renewal thereof that he proposes to refuse.

(2) The Qualification and Registration Committee shall determine the eligibility of applicants for certificates or renewals thereof and may require an applicant to take and pass such additional examinations as the Council may set or approve and pay such fees therefor as the Qualification and Registration Committee fixes or to take such additional training as the Qualification and Registration Committee specifies.

Powers and
duties of
Qualification
and
Registration
Committee

(3) The Qualification and Registration Committee may direct the Manager to issue or refuse to issue certificates and renewals.

Conditions
of
certificates

(4) The Qualification and Registration Committee may review the qualifications of any member and may impose a limitation on the member's certificate pending the demonstration of such standard of competence through the completion of such experience, courses of study or continuing education as the Committee specifies.

Review of
qualifi-
cations

(5) The Manager shall maintain one or more registers in which is entered every person to whom a certificate has been issued identifying the terms of the certificate or the registration and every revocation, suspension, cancellation and expiration or other termination and every renewal of the certificate and such other information as the Qualification and Registration Committee or Discipline Committee directs.

Registers

14.—(1) Where the Qualification and Registration Committee proposes to refuse to grant a certificate to an applicant, the Manager on behalf of the Committee shall serve notice of the proposal of the Committee together with written reasons therefor, on the applicant.

Notice of
proposal
to refuse
registration

(2) Subsection 1 does not apply to a refusal to grant a certificate to a person who was previously registered and whose registration was suspended or revoked as a result of a decision of the Discipline Committee.

Exemptions

(3) A notice under subsection 1 shall inform the applicant that he is entitled to a hearing by the Qualification and Registration Committee if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Committee requiring a hearing.

Notice
requiring
hearing or
review

(4) Where an applicant does not require a hearing by the Committee in accordance with subsection 3, the Committee may refuse the application.

Powers of
Qualification
and
Registration
Committee
where
hearing or
review

(5) The findings of fact of the Committee pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under section 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Findings
of fact
1971, c. 47

Procedures
on hearings

(6) The provisions of subsections 2 to 5 and subsections 7 and 8 of section 19 apply with necessary modifications to proceedings before the Committee under this section.

Powers of
Committee
upon hearing
or review

(7) The Committee shall, after the hearing or review,

- (a) confirm the proposed decision; or
- (b) require the applicant to take qualifying examinations or additional training as a condition for registration, or both, as specified by the Committee; or
- (c) direct the Manager to register the applicant on any appropriate register subject to such conditions as the Committee considers appropriate in cases where the Committee finds that the applicant meets the requirements for registration.

Complaints
Committee

15.—(1) Each Complaints Committee shall be composed of such number of persons as the Council may determine but at least one member of the Committee shall be a person who is not a member of the Corporation and who is appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council.

Appointment

(2) The Council may appoint any individual member of the Corporation to a Complaints Committee.

Membership
in other
committees

(3) No person who is a member of the Discipline Committee shall be a member of a Complaints Committee.

Chairman

(4) The Council shall name one member of each Complaints Committee to be chairman of that Committee.

Quorum

(5) A majority of the members of a Complaints Committee constitutes a quorum.

Duties

16.—(1) A Complaints Committee shall consider and investigate complaints regarding the conduct or actions of any member of the Corporation, but no action shall be taken by the Committee under clause *a* of subsection 2 unless,

- (a) a written complaint has been filed with the Manager and the member whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanation or representations he may wish to make concerning the matter; and
- (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

(2) The Committee in accordance with the information it ^{Idem} receives may,

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee;
- (b) direct that the matter not be referred under clause a;
- (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.



17.—(1) The Discipline Committee shall be composed of such ^{Discipline Committee} number of persons as the Council may determine but at least four members of the Committee shall be persons who are not members of the Corporation and who are appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council.



(2) The Council may appoint any individual member of the ^{Appointment} Corporation to the Discipline Committee.

(3) The Council shall appoint one of the members of the ^{Chairman} Discipline Committee who is a member of Council to be the chairman of the Committee.



(4) The chairman of the Discipline Committee may assign a ^{Composition of panels} panel of five members of the Committee to hold a hearing of whom one shall be a person appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council and a panel of the Discipline Committee is sufficient to exercise the jurisdiction and powers of the Discipline Committee if a quorum is present.



(5) Three members of a panel assigned under subsection 4, of ^{Quorum and votes} whom one shall be a person appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council, constitute a quorum for a hearing and all disciplinary decisions require the vote of a majority of members of the Discipline Committee presiding at the hearing.

(6) Where a panel of the Discipline Committee commences a ^{Disability of lay member} hearing and the member thereof who is appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council becomes unable to continue to act, the remaining members may complete the hearing notwithstanding his absence.

(7) The Council may direct the Discipline Committee to hold a ^{Reference by Council} hearing and determine any specified allegation of misconduct or incompetence on the part of a member.

Duties of
Discipline
Committee

18.—(1) The Discipline Committee shall,

- (a) when so directed by the Council or by a Complaints Committee, hear and determine allegations of misconduct or incompetence against any member;
- (b) hear and determine matters referred to it under sections 16 and 22; and
- (c) perform such other duties as are assigned to it by the Council.

Idem

(2) In the case of hearings into allegations of misconduct or incompetence, the Discipline Committee shall,

- (a) consider the allegations, hear the evidence and ascertain the facts of the case;
- (b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;
- (c) determine whether in respect of the allegations so proved the member is guilty of misconduct or incompetence;
- (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of misconduct or of incompetence.

Misconduct

(3) A member may be found guilty of misconduct by the Committee if,

- (a) the member has been found guilty of an offence relevant to the member's suitability to carry on business as a registered insurance broker upon proof of such conviction; or
- (b) the member has been guilty in the opinion of the Discipline Committee of misconduct as defined in the regulations.

Incompetence

(4) The Discipline Committee may find a member to be incompetent if in its opinion the member has, while acting as an insurance broker, displayed a serious lack of knowledge, skill or judgment or a serious disregard for the welfare of a member of the public.

Powers of
Discipline
Committee

(5) Where the Discipline Committee finds a member guilty of misconduct or incompetence it may by order,

- (a) revoke the certificate of the member;
- (b) suspend the certificate of the member for a stated period;
- (c) impose such restrictions on the certificate of the member for such a period and subject to such conditions as the Committee designates;

- (d) reprimand the member and, if deemed warranted, direct that the fact of such reprimand be recorded on the register;
- (e) impose such fine as the Committee considers appropriate to a maximum amount prescribed in the regulations to be paid by the member to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;
- (f) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates;
- (g) impose a requirement that the member reimburse any person who made a complaint against the member for any costs incurred by such person in the proceedings,

or any combination thereof.

(6) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the Corporation reimburse the member for his costs or such portion thereof as the Discipline Committee fixes. Costs

(7) Where the Discipline Committee revokes, suspends or restricts the certificate of a member on the grounds of misconduct or incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision unless the court to which the appeal is taken orders otherwise. Stay

(8) Where the Discipline Committee finds a member guilty of misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member. Service of decision of Discipline Committee

(9) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated. Continuation on expiry of Committee membership

19.—(1) In proceedings before the Discipline Committee, the Corporation and the member of the Corporation whose conduct is being investigated in the proceedings are parties to the proceedings. Parties to discipline proceedings

(2) A member whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

Members holding hearing not to have taken part in investigation, etc.

(3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Council considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate.

In camera
1971, c. 47

(4) Notwithstanding anything in *The Statutory Powers Procedure Act, 1971*, hearings of the Discipline Committee shall be held *in camera*, but, if the person whose conduct is being investigated requests otherwise by a notice delivered to the Manager before the day fixed for the hearing, the Committee shall conduct the hearing in public except where,

- (a) matters involving public security may be disclosed; or
- (b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

Recording of evidence

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies or a transcript thereof shall be furnished to the parties at their own cost.

Evidence

(6) Notwithstanding *The Statutory Powers Procedure Act, 1971*, nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it.

Only members at hearing to participate in decision

(7) No member of the Discipline Committee shall participate in a decision of the Committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties.

Release of documentary evidence

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the person who produced them, be released to him by the Committee within a reasonable time after the matter in issue has been finally determined.

Reference to board of inquiry

20.—(1) Where the Manager receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate and report to the Council who may, upon notice to the member, appoint a board of inquiry composed of at least two members of the Corporation and one member of the Council appointed thereto by the Lieutenant Governor in Council who shall inquire into the matter.

Examination

(2) The board of inquiry shall make such inquiries as it considers appropriate and may require the member to submit to physical

or mental examination by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his certificate be suspended until he complies.

(3) The board of inquiry shall report its findings to the Council and deliver a copy thereof and a copy of any medical report obtained under subsection 2 to the member about whom the report is made and if, in the opinion of the Council, the evidence so warrants, the Council shall refer the matter to the Qualification and Registration Committee to hold a hearing and may suspend the member's certificate until the determination of the question of his capacity becomes final.

Hearing by
Qualification
and
Registration
Committee

(4) The Corporation, the person whose capacity is being investigated and any other person specified by the Qualification and Registration Committee are parties to a proceeding under this section.

Parties

(5) A legally qualified medical practitioner is not compellable to produce at the hearing his case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceeding,

Medical
evidence

- (a) where the evidence is required by the Corporation, at least five days before the hearing commences; and
- (b) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

(6) The Qualification and Registration Committee shall, after the hearing,

Powers of
Qualification
and
Registration
Committee

- (a) make a finding as to whether or not the member is an incapacitated member; and
- (b) where the member is found to be an incapacitated member, by order,
 - (i) revoke his certificate,

- (ii) suspend his certificate for such period as the Committee considers appropriate, or
- (iii) attach such terms and conditions to the certificate as the Committee considers appropriate.

Appeal to
court

21.—(1) Any party to proceedings before the Discipline Committee or the Qualification and Registration Committee may appeal from its decision or order to the Supreme Court.

Powers of
court on
appeal

(2) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Committee appealed from and may exercise all powers of the Committee and may direct the Committee or the Corporation to take any action which the Committee or the Corporation may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the Committee, or the court may refer the matter back to the Committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Restoration
of regis-
tration or
certificate

22.—(1) A person whose certificate has been revoked or suspended for cause under this Act, may apply at any time in writing to the Manager for the issuance of a certificate or removal of the suspension.

Reference
to
Discipline
Committee

(2) The Manager shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Qualification and Registration Committee, which shall hold a hearing and decide upon the application, and shall report its decision and reasons to the Council and to the former member.

Restraining
orders

23.—(1) Where it appears to the Corporation that a person does not comply with a provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Corporation may apply to a judge of the Supreme Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Stop-
orders

24.—(1) Where the Corporation made a *prima facie* case that a member has been or may be guilty of misconduct in connection with any property in his possession or under his control, a judge of the Supreme Court may, upon an *ex parte* application by the Corporation, order that the property described in the order shall

not be paid out or dealt with by the person or persons named in the order without the leave of a judge of the Supreme Court.

(2) Where the Corporation makes a *prima facie* case that the business of a member or former member is neglected to the prejudice of any person or that the interests of the clients of the member or former member are not being protected or that the member or former member has converted trust funds, a judge of the Supreme Court may, upon *ex parte* application by the Corporation, by order appoint a person as trustee with or without bond, to take possession of any property or undertaking in the possession of or under the control of the member or former member for the purpose of preserving, carrying on or winding up the business of the member or former member. Appointment of trustees

(3) A person appointed under subsection 2 shall, in respect of any trust property of the member or former member, be the trustee thereof, and he shall in respect thereof take the place of a personal representative, committee or other representative, if any, of the member or former member. Idem

(4) Any person may apply to a judge of the Supreme Court for an order varying or discharging any order made under subsection 1 or 2. Variation, discharge of order

(5) The judge may, in an order made under subsection 2, make provision for the remuneration, disbursements and indemnification of the trustee out of such moneys or otherwise as the judge may specify. Remuneration

25.—(1) Where the Manager, or in his absence, a person designated by the Manager, believes on reasonable and probable grounds that a member has committed an act of misconduct or incompetence, the Manager or the Manager's designate may by order appoint one or more persons to make an investigation to ascertain whether such an act has occurred, and the person appointed shall report the result of his investigation to the Manager or the Manager's designate. Investigation of members

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to the subject-matter of the investigation, and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Powers of investigator 1971, c. 49

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Search
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

(5) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection 2 or 4 relating to the member whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

Admissi-
bility
of copies

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

Report of
Manager

(7) The Manager shall report the results of the investigation to the Council or such other committee as he considers appropriate.

Matters
confidential

26.—(1) Every person employed in the administration of this Part, including any person making an inquiry or investigation under section 25 and any member of the Council or a Committee, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under section 25 and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Act or the regulations or by-laws.

Testimony
in civil
suit

(3) Any information, document, record, statement or thing made or disclosed to the Manager, the Council or a committee of Council concerning a member or a person applying for registration under this Act is privileged and shall not be used as evidence in any civil action or proceeding in any court brought by or on behalf of such member or person.

Privileged
information

27.—(1) No certificate shall be issued to a corporation that acts as an insurance broker if the majority of its issued and outstanding shares that entitle the holder to any voting rights are owned beneficially or otherwise by a non-resident of Canada as defined in subsection 2b of section 353 of *The Insurance Act* unless the corporation was licensed as a broker under *The Insurance Act* on the 27th day of April, 1972.

Prohibition
re: non-
residents

R.S.O. 1970,
c. 224

(2) A corporation that was licensed as an insurance broker on or before the 27th day of April, 1972, and whose issued shares entitling the holders thereof to voting rights were more than 50 per cent owned, as of that date, beneficially or otherwise, by one or more non-residents of Canada is not entitled to continue to hold a certificate under this Act if it amalgamates, unites, merges, acquires the assets or business of, or acquires the shares of any other broker or a licensed agent or adjuster.

Prohibition
of a non-
resident to
amalgamate

28.—(1) Every member shall maintain a mailing address in Ontario, which address shall be suitable to permit service by registered mail, and shall register the mailing address with the Manager.

Mailing
address

(2) Any legal process and any notice or document served personally or served by registered mail at the mailing address registered with the Manager is deemed for all purposes to have been served personally upon the member.

Personal
service

(3) For the purpose of any civil action brought against a member, the member is deemed to be a resident of the county in which the mailing address is located.

Deemed
resident

Service of
notice

29.—(1) Subject to section 28, any notice or document required by this Act to be served may be served personally or by prepaid first class mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

Idem

(2) For a period of one year after the date on which a former member ceased to be a member of the Corporation, the mailing address of the former member registered with the Manager under section 28 shall be deemed to be the former member's last known address unless the former member registers a new mailing address with the Manager.

Administer-
ing oaths

(3) Every member of the Qualification and Registration Committee, the Discipline Committee and each Complaints Committee has power to administer oaths and affirmations for the purposes of any of its proceedings.

Registrar's
certificate
as evidence

30. Any statement containing information from the records required to be kept by the Manager under this Act, purporting to be certified by the Manager under the seal of the Corporation is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the Manager and without proof of the seal.

Corporation,
Council and
committees

31. No action or other proceeding for damages shall be instituted against the Corporation, the Council, a Committee or any member of the Council or committee, or any officers, servants, agents or appointees of the Corporation, for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Trust
funds

32.—(1) All funds received or receivable by a member in the course of his business on behalf of insurers from members of the public or on behalf of members of the public from insurers are deemed to be trust funds.

Idem

(2) No member shall assign, pledge, hypothecate or mortgage or in any way charge the funds referred to in subsection 1 whether or not such funds have been received or remain receivable.

Idem

(3) Any assignment, pledge, hypothecation, mortgage or other charge of or on funds referred to in subsection 1 is null and void as against the beneficial owner of the funds.

33.—(1) No person shall make or cause to be made any wilful falsification in any matter relating to a register or issue a false certificate or document with respect to registration. Falsification of certificates

(2) No person shall wilfully procure or attempt to procure himself or any other person to be registered under this Act by knowingly making any false representation or declaration or by making any fraudulent representation or declaration, either orally or in writing. False representations, etc.

34.—(1) Every person who contravenes any provision of this Act and every director or officer of a corporation or unincorporated association and every member of a partnership who knowingly concur in such contravention is guilty of an offence and on conviction is liable to a fine of \$5,000 or to imprisonment for a term of not more than six months, or to both. Offence

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporation

(3) No proceeding under this section shall be commenced more than five years after the time when the subject-matter of the proceeding arose. Limitation period

35. The Lieutenant Governor in Council may make regulations, Regulations

- (a) respecting and governing the nomination, election and term of office of the members to be elected to the Council, the filling of vacancies on the Council and controverted elections;
- (b) governing the size and composition of the Council;
- (c) respecting any matter ancillary to the provisions of this Act with regard to the issuing, renewal, suspension and revocation of certificates;
- (d) providing for the expiration of certificates and governing and establishing the requirements and qualifications for the issuing and renewal of certificates;
- (e) providing for the maintenance and inspection of registers;
- (f) governing standards of practice for registered insurance brokers;
- (g) defining misconduct for the purposes of this Act and providing for a code of conduct;

- (h) providing for a program for the continuing education of members to maintain their standard of competence and requiring members to participate in such continuing education;
- (i) respecting the reporting and publication of decisions in disciplinary matters;
- (j) providing for the compilation of statistical information on the supply, distribution and business activities of members and requiring members to provide the information necessary to compile such statistics;
- (k) respecting returns, reports, information or disclosure to be provided or made by members to the Corporation, the Superintendent, members of the public or any other person or persons;
- (l) fixing maximum fines that may be imposed upon members found guilty of misconduct;
- (m) establishing rules of practice and procedure for hearings held under this Act;
- (n) respecting trust funds and the keeping of trust accounts by members;
- (o) respecting the reporting and auditing of members' accounts and specifying the type and nature thereof;
- (p) requiring the filing of financial guarantees by members of the Corporation and respecting the collateral security for terms, conditions and form of financial guarantees;
- (q) establishing and governing minimum indemnity insurance requirements for members and requiring and respecting errors and omissions insurance;
- (r) establishing and governing minimum equity capitalization requirements for members;
- (s) establishing and respecting restrictions and limitations on the sale and ownership of insurance brokers and the businesses of insurance brokers;
- (t) prescribing forms and providing for their use;
- (u) exempting any person or group of persons from all or part of the provisions of this Act and the regulations subject to such terms and conditions as may be set out in the regulations.

36.—(1) Notwithstanding any other provision of this Act, a person holding a valid licence as an insurance agent or an insurance broker under *The Insurance Act* issued before the day on which this section comes into force, who is an insurance broker within the meaning of insurance broker contained in this Act, shall be deemed to be a registered insurance broker under this Act and the person shall be so registered as a member by the Manager.

Transition

R.S.O. 1970,
c. 224

(2) Where the word “agency” or “agencies” appears in the name of a corporation that is an insurance broker, the corporation shall amend its articles of incorporation or other instrument by which the corporation is incorporated by deleting the word “agency” or “agencies” and substituting the word “broker” or “brokers”, as the case may be, within six months after the day on which this section comes into force.

Change of
name

(3) A corporation incorporated by or under the authority of the Legislature may change its name under subsection (2) by filing a notice with the Minister in the form prescribed by the regulations, and on the date of such filing, the name of the corporation is changed and its articles of incorporation are amended accordingly.

Idem



(4) Notwithstanding any other provision of this Act, a person who has carried on business as an insurance consultant for a period of five years before the day on which this Act comes into force and who complies with this Act and the regulations is entitled, upon application made within two months of the day on which this Act comes into force, to become a registered insurance broker and the person shall be so registered as a member by the Manager.

Idem

PART II

INSURANCE ACT AMENDMENTS

37.—(1) Paragraph 5 of section 1 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

s. 1, par. 5,
re-enacted

5. “agent” means a person who, for compensation, commission or any other thing of value,

(a) solicits insurance on behalf of an insurer who has appointed him to act as the agent of such insurer or on behalf of the Facility Association under *The Compulsory Automobile Insurance Act, 1979*; or

1979, c. 87

(b) solicits insurance on behalf of an insurer or transmits, for a person other than himself, an application for, or a policy of insurance to or from such insurer, or offers or assumes to act in the negotiation of such insurance or in negotiating its continuance or renewal with such insurer,

and who is not a member of the Registered Insurance Brokers of Ontario nor a person acting under the authority of subsection 15, 16 or 17 of section 342.

s. 1, par. 11,
re-enacted

(2) Paragraph 11 of the said section 1 is repealed and the following substituted therefor:

1980, c. ...

11. "broker" means an insurance broker within the meaning of *The Registered Insurance Brokers Act, 1980*.

s. 342 (12),
re-enacted

38.—(1) Subsection 12 of section 342 of the said Act is repealed and the following substituted therefor:

Authority
of agent

(12) No agent for insurance, other than an agent who holds a licence within the class of licence referred to in clause *a* of subsection 2, shall be licensed to act as agent for more than one insurer transacting insurance and the name of such insurer shall be specified in the licence and no such agent shall represent himself to the public by advertisement or otherwise as the agent of more than one such insurer.

Insurance
groups

(12a) Notwithstanding subsection 12, an agent may be licensed to act as agent for an affiliated group of insurers that, in the opinion of the Superintendent, are carrying on business as a common undertaking and such affiliated group of insurers shall be deemed to be an insurer for the purpose of determining the agent's authority to act as an agent under this Act.

s. 342 (18),
re-enacted

(2) Subsection 18 of the said section 342 is repealed and the following substituted therefor:

Salaried
officials,
etc., acting
without
licence

(18) Unless the Superintendent otherwise directs, an officer or salaried employee of the head office of an insurer who does not receive commission may, without a licence, solicit contracts of life insurance, accident insurance and sickness insurance on behalf of the insurer but an officer or employee whose application for a licence as an insurance agent or salesman has been refused or whose licence has been revoked or suspended may not so act without the written approval of the Superintendent.

s. 343,
repealed

39. Section 343 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 66, section 13, is repealed.

40. Sections 344, 345 and 346 of the said Act are repealed. ss. 344, 345 and 346, repealed

41. Subsection 1 of section 352 of the said Act is amended by striking out “brokers” in the first line. s. 352 (1), amended

42.—(1) Subsection 1 of section 353 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 84, section 19, is amended by striking out “brokers” in the first line and “broker” in the fourth line. s. 353 (1), amended

(2) Subsection 2 of the said section 353 is amended by striking out “or brokers” in the first line and by striking out “or broker” in the fourth line. s. 353 (2), amended

(3) Subsection 2a of the said section 353, as enacted by the Statutes of Ontario, 1972, chapter 66, section 14, is amended by striking out “broker” in the second line. s. 353 (2a), amended

(4) Subsection 2c of the said section 353, as enacted by the Statutes of Ontario, 1972, chapter 66, section 14, is amended by striking out “broker” in the first line and in the ninth line. s. 353 (2c), amended

(5) Subsection 3 of the said section 353 is amended by striking out “brokers” in the fourth line. s. 353 (3), amended

(6) Subsection 6 of the said section 353 is amended by striking out “or broker” in the second line. s. 353 (6), amended

43. Section 354 of the said Act is amended by striking out “broker” in the second line, the third line and the sixth line. s. 354, amended

44. Subsection 1 of section 356 of the said Act is repealed and the following substituted therefor: s. 356 (1), re-enacted

(1) No insurer, and no officer, employee or agent thereof, and no broker, shall directly or indirectly pay or allow, or agree to pay or allow, compensation or anything of value to any person for placing or negotiating insurance on lives, property or interests in Ontario, or negotiating the continuance or renewal thereof, or for attempting so to do, who, at the date thereof, is not an agent or broker or a person acting under subsection 15 of section 342 and whoever contravenes this subsection is guilty of an offence. No compensation to be paid by insurer not licensed

45. Section 359 of the said Act is amended by striking out “a broker or adjuster” in the second line and inserting in lieu thereof “an adjuster”. s. 359, amended

46. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

47. The short title of this Act is *The Registered Insurance Brokers Act, 1980*. Short title

An Act respecting the
Registered Insurance Brokers of Ontario

1st Reading

June 6th, 1980

2nd Reading

November 4th, 1980

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

(Reprinted as amended by the
Administration of Justice Committee)

¹⁷
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An Act respecting
the Registered Insurance Brokers of Ontario

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations



BILL 118

1980

An Act respecting the Registered Insurance Brokers of Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

REGISTERED INSURANCE BROKERS OF ONTARIO

1. In this Act,

Interpre-
tation

- (a) “applicant” means an individual, partnership or corporation that applies for registration under this Act;
- (b) “board of inquiry” means a board of inquiry appointed by the Council;
- (c) “certificate” means a certificate issued under this Act;
- (d) “Complaints Committee” means the Complaints Committee of the Council established under this Act;
- (e) “Council” means the Council of the Registered Insurance Brokers of Ontario;
- (f) “contract” has the same meaning as in *The Insurance Act* but does not include a contract of life insurance as defined in that Act; R.S.O. 1970,
c. 224
- (g) “Corporation” means the body corporate known as the Registered Insurance Brokers of Ontario;
- (h) “Discipline Committee” means the Discipline Committee of the Council established under this Act;
- (i) “incapacitated member” means a member suffering from a physical or mental condition or disorder of a

nature and extent making it desirable in the interest of the public or the member that he no longer be permitted to carry on business as a registered insurance broker or that his business be restricted;

R.S.O. 1970,
c. 224

- (j) "insurance" has the same meaning as in *The Insurance Act* but does not include life insurance as defined in that Act;
- (k) "insurance agent" means an agent within the meaning of *The Insurance Act*;
- (l) "insurance broker" means any person who or which for any compensation, commission or other thing of value, with respect to persons or property in Ontario, deals directly with the public and,
 - (i) acts or aids in any manner in soliciting, negotiating or procuring the making of any contract of insurance or reinsurance whether or not he has agreements with insurers allowing him to bind coverage and countersign insurance documents on behalf of insurers, or
 - (ii) provides risk management services including claims assistance where required, or
 - (iii) provides consulting or advisory services with respect to insurance or reinsurance, or
 - (iv) holds himself out as an insurance consultant or examines, appraises, reviews or evaluates any insurance policy, plan or program or makes recommendations or gives advice with regard to any of the above;
- (m) "Manager" means the Manager of the Registered Insurance Brokers of Ontario;
- (n) "member" means an individual, partnership or corporation registered under this Act to carry on business as an insurance broker;
- (o) "Minister" means the Minister of Consumer and Commercial Relations;
- (p) "misconduct" means misconduct as defined in the regulations;
- (q) "person" includes a partnership and an unincorporated association;

- (r) “public” means persons other than insurers, insurance brokers, insurance adjusters and insurance agents;
- (s) “Qualification and Registration Committee” means the Qualification and Registration Committee of the Council established under this Act;
- (t) “registered insurance broker” means a person registered under this Act to carry on business as an insurance broker;
- (u) “Superintendent” means the Superintendent of Insurance.

2.—(1) No person shall act as an insurance broker unless the Prohibition person is a registered insurance broker under this Act.

(2) Subsection 1 does not apply to, Exceptions

- (a) lawyers, accountants, or actuaries acting in their professional capacity;
- (b) an insurance agent licensed under *The Insurance Act*, R.S.O. 1970, c. 224 while acting within the authority of his licence;
- (c) an insurance adjuster licensed under *The Insurance Act*, while acting within the authority of his licence;
- (d) any individual, partnership or corporation who acts solely as a reinsurance broker;
- (e) a person registered under *The Travel Industry Act, 1974* 1974, c. 115 acting in respect of travel accident and sickness, baggage or trip cancellation insurance;
- (f) an employee of a person registered under this Act when the employee is acting for or on behalf of his employer engaged solely in the performance of clerical or administrative duties in the office of his employer;
- (g) any regular salaried employee of an insured or of a subsidiary or affiliate or corporate insured whose duties in whole or in part are to negotiate for or procure insurance or render other services on behalf of such employer or employers in connection with the procuring or maintaining of insurance on the property or risks of such employer or employers if the employee does not receive compensation, commission or other thing of value from any insurance agent, broker, or insurer for, or in connection with such services;

(h) a trustee appointed under this Act;

(i) an insurer or a subsidiary or an affiliate of an insurer or any employee, officer or director thereof if he is not acting in any manner in soliciting, negotiating or procuring the making of any contract of insurance;

(j) such other persons as are exempted by the regulations.

Prohibition **3.—**(1) No person shall hold himself or itself out as an insurance broker or as the holder of a certificate under this Act unless the person is the holder of a certificate under this Act.

Use of title (2) No person shall use the title “registered insurance broker” or the designation “R.I.B. (Ont.)” or other designation representing or similar to the title unless the person is the holder of a certificate as a registered insurance broker under this Act.

Corporation continued **4.—**(1) The Registered Insurance Brokers of Ontario is continued as a body corporate without share capital with power to acquire, hold, dispose of and otherwise deal with real and personal property for the purposes of this Act.

Objects (2) The Corporation shall have the general purpose of carrying out the powers and duties conferred on it by this Act.

Membership **5.—**(1) Every person who is registered by the Corporation is a member of the Corporation.

Resignation of membership (2) An individual member may resign his membership by filing with the Manager his resignation in writing and his registration is thereupon cancelled subject to the continuing jurisdiction of the Corporation in respect of any disciplinary action arising out of his conduct while a member.

Cancellation for default of fees (3) The Manager may cancel a registration for non-payment of any prescribed fee after giving the member at least one month notice in writing of the default and intention to cancel the registration subject to the continuing jurisdiction of the Corporation.

Council **6.—**(1) The Council shall be the governing body and board of directors of the Corporation and shall manage and administer its affairs.

Composition (2) Subject to the regulations, the Council shall be composed of,

(a) eight persons who are individual members of the Corporation and are elected by the members in the manner provided by the regulations;

- (b) three persons who are not members of the Corporation and are appointed by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may, by regulation, vary the size of the Council but at least one-quarter of the members of the Council shall be persons appointed by the Lieutenant Governor in Council who are not members of the Corporation. Increased size of Council

(4) Notwithstanding clause *a* of subsection 2, when this Act comes into force, the Lieutenant Governor in Council shall appoint to the Council the eight persons who are individual members of the Corporation for a term of three years, in the case of four of the appointees, and five years, in the case of four of the appointees. Transition

(5) The appointment of every person appointed under clause *b* of subsection 2 shall be for a term not exceeding four years and a person whose appointment expires is eligible for one reappointment. Appointment

7. Every individual member who is, Qualifications to vote

(a) registered under this Act; and

(b) not in default of payment of any prescribed fee,

is qualified to vote at an election of members of the Council.

8.—(1) The Council shall elect annually a President and one or more Vice-Presidents from among its members. President and Vice-President

(2) The Council shall appoint during pleasure a Manager and such other officers and servants as may from time to time be necessary or desirable in the opinion of the Council to perform the work of the Corporation. Manager and officers

(3) A majority of the members of the Council, including at least one member who is not a member of the Corporation, constitutes a quorum. Quorum

9. The Superintendent shall be deemed to have an interest in the Corporation, as the representative of all persons who may be served by registered insurance brokers, and the Corporation shall, within a reasonable time, furnish the Superintendent with such information and financial statements with respect to the Corporation as the Superintendent may require. Superintendent

10.—(1) The Corporation shall, within four months after the termination of each financial year, provide to its members, the Annual report of Corporation

Minister and the Superintendent an annual report relating to its activities in that year including,

- (a) financial statements of the Corporation and the auditor's report thereon;
- (b) a summary of the complaints received against members, categorized by source, type and disposition of the complaint;
- (c) a summary of disciplinary proceedings undertaken against members, categorized by source, type and disposition of the proceedings;
- (d) a summary of the applications for registration and the disposition of the applications;
- (e) membership statistics of the Corporation, categorized by size and type of member;
- (f) an identification of matters of policy currently under review by the Council and of any proposed changes in policies or programs; and
- (g) any other information considered relevant by the Corporation or requested by the Minister or Superintendent.

Annual
report of
Super-
intendent

(2) The Superintendent shall make an annual examination of the affairs of the Corporation and shall report concerning the examination to the Minister and the Minister shall then lay the annual report of the Corporation and the report of the Superintendent before the Assembly if it is in session and, if not, at the next ensuing session.

By-laws

11.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the Corporation not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing,

- (a) prescribing the seal of the Corporation;
- (b) providing for the execution of documents by the Corporation;
- (c) fixing the financial year of the Corporation and providing for the audit of the accounts and transactions of the Corporation;
- (d) providing procedures for the election of President, Vice-Presidents and other officers of the Corporation, the

- filling of a vacancy in those offices, and prescribing their duties;
- (e) respecting the calling, holding and conducting of meetings of the Council and the duties of members of the Council;
 - (f) respecting the calling, holding and conducting of meetings of the membership of the Corporation;
 - (g) prescribing the remuneration of the members of the Council and committees and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;
 - (h) providing for the appointment, composition, powers and duties of the committees of Council as may be required, including the filling of vacancies and the setting of quorums;
 - (i) prescribing forms and providing for their use;
 - (j) providing procedures for the making, amending and revoking of by-laws;
 - (k) respecting management of the property of the Corporation;
 - (l) fixing and providing for the payment of annual fees and special assessments by members and fees for certificates and examinations;
 - (m) providing for the borrowing of money on the credit of the Corporation and the charging, mortgaging, hypothecating or pledging of any of the real or personal property of the Corporation to secure any money borrowed or other debt or any other obligation or liability of the Corporation;
 - (n) respecting the application of the funds of the Corporation and the investment and reinvestment of any of its funds not immediately required in any investments that are from time to time authorized investments for joint stock insurance companies and cash mutual insurance companies under *The Insurance Act*;
 - (o) providing for classes of membership and for the designation of and the terms and conditions attaching to each class;

(*p*) respecting the keeping of records by the Corporation, Council, committees and members;

(*q*) respecting the duties and authority of the Manager;

(*r*) respecting all other things that are considered necessary for the attainment of the objects of the Corporation and the efficient conduct of its affairs.

Idem

(2) A copy of the by-laws made under subsection 1 and amendments thereto,

(*a*) shall be forwarded to the Superintendent; and

(*b*) shall be available for public inspection in the office of the Corporation.

Signed
by-laws
and
resolutions

(3) Any by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council duly called, constituted and held for that purpose.

Establish-
ment of
committees

12.—(1) The Council shall establish and appoint as hereinafter provided the following committees:

(*a*) a Qualification and Registration Committee;

(*b*) one or more Complaints Committees;

(*c*) a Discipline Committee,

and may establish such other or additional committees as the Council from time to time considers necessary.

Panel of
lay persons

(2) The Lieutenant Governor in Council may appoint such number of persons as the Lieutenant Governor in Council considers appropriate who are not members of the Corporation or members of the Council to a panel of lay persons eligible to serve as members of a Complaints Committee and the Discipline Committee.

Term of
appointment

(3) The appointment of every person under subsection 2 shall be for a term not exceeding four years and a person whose appointment expires is eligible for one reappointment.

Issuance
of
certificates
of
registration

13.—(1) The Manager shall issue a certificate or renewal thereof to any applicant therefor who is qualified under this Act and the regulations and has passed such examinations as the Council may set or approve and the Manager shall refer to the Qualification and Registration Committee every application for a certificate or renewal thereof that he proposes to refuse.

(2) The Qualification and Registration Committee shall determine the eligibility of applicants for certificates or renewals thereof and may require an applicant to take and pass such additional examinations as the Council may set or approve and pay such fees therefor as the Qualification and Registration Committee fixes or to take such additional training as the Qualification and Registration Committee specifies.

Powers and duties of Qualification and Registration Committee

(3) The Qualification and Registration Committee may direct the Manager to issue or refuse to issue certificates and renewals.

Conditions of certificates

(4) The Qualification and Registration Committee may review the qualifications of any member and may impose a limitation on the member's certificate pending the demonstration of such standard of competence through the completion of such experience, courses of study or continuing education as the Committee specifies.

Review of qualifications

(5) The Manager shall maintain one or more registers in which is entered every person to whom a certificate has been issued identifying the terms of the certificate or the registration and every revocation, suspension, cancellation and expiration or other termination and every renewal of the certificate and such other information as the Qualification and Registration Committee or Discipline Committee directs.

Registers

14.—(1) Where the Qualification and Registration Committee proposes to refuse to grant a certificate to an applicant, the Manager on behalf of the Committee shall serve notice of the proposal of the Committee together with written reasons therefor, on the applicant.

Notice of proposal to refuse registration

(2) Subsection 1 does not apply to a refusal to grant a certificate to a person who was previously registered and whose registration was suspended or revoked as a result of a decision of the Discipline Committee.

Exemptions

(3) A notice under subsection 1 shall inform the applicant that he is entitled to a hearing by the Qualification and Registration Committee if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Committee requiring a hearing.

Notice requiring hearing or review

(4) Where an applicant does not require a hearing by the Committee in accordance with subsection 3, the Committee may refuse the application.

Powers of Qualification and Registration Committee where hearing or review

(5) The findings of fact of the Committee pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under section 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Findings of fact

1971, c. 47

Procedures
on hearings

(6) The provisions of subsections 2 to 5 and subsections 7 and 8 of section 19 apply with necessary modifications to proceedings before the Committee under this section.

Powers of
Committee
upon hearing
or review

- (7) The Committee shall, after the hearing or review,
- (a) confirm the proposed decision; or
 - (b) require the applicant to take qualifying examinations or additional training as a condition for registration, or both, as specified by the Committee; or
 - (c) direct the Manager to register the applicant on any appropriate register subject to such conditions as the Committee considers appropriate in cases where the Committee finds that the applicant meets the requirements for registration.

Complaints
Committee

15.—(1) Each Complaints Committee shall be composed of such number of persons as the Council may determine but at least one member of the Committee shall be a person who is not a member of the Corporation and who is appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council.

Appointment

(2) The Council may appoint any individual member of the Corporation to a Complaints Committee.

Membership
in other
committees

(3) No person who is a member of the Discipline Committee shall be a member of a Complaints Committee.

Chairman

(4) The Council shall name one member of each Complaints Committee to be chairman of that Committee.

Quorum

(5) A majority of the members of a Complaints Committee constitutes a quorum.

Duties

16.—(1) A Complaints Committee shall consider and investigate complaints regarding the conduct or actions of any member of the Corporation, but no action shall be taken by the Committee under clause *a* of subsection 2 unless,

- (a) a written complaint has been filed with the Manager and the member whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanation or representations he may wish to make concerning the matter; and
- (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

(2) The Committee in accordance with the information it ^{Idem} receives may,

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee;
- (b) direct that the matter not be referred under clause a;
- (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.

17.—(1) The Discipline Committee shall be composed of such ^{Discipline Committee} number of persons as the Council may determine but at least four members of the Committee shall be persons who are not members of the Corporation and who are appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council.

(2) The Council may appoint any individual member of the ^{Appointment} Corporation to the Discipline Committee.

(3) The Council shall appoint one of the members of the Disci- ^{Chairman} pline Committee who is a member of Council to be the chairman of the Committee.

(4) The chairman of the Discipline Committee may assign a ^{Composition of panels} panel of five members of the Committee to hold a hearing of whom one shall be a person appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council and a panel of the Discipline Committee is sufficient to exercise the jurisdiction and powers of the Discipline Committee if a quorum is present.

(5) Three members of a panel assigned under subsection 4, of ^{Quorum and votes} whom one shall be a person appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council, constitute a quorum for a hearing and all disciplinary decisions require the vote of a majority of members of the Discipline Committee presiding at the hearing.

(6) Where a panel of the Discipline Committee commences a ^{Disability of lay member} hearing and the member thereof who is appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council becomes unable to continue to act, the remaining members may complete the hearing notwithstanding his absence.

(7) The Council may direct the Discipline Committee to hold a ^{Reference by Council} hearing and determine any specified allegation of misconduct or incompetence on the part of a member.

Duties of
Discipline
Committee

18.—(1) The Discipline Committee shall,

- (a) when so directed by the Council or by a Complaints Committee, hear and determine allegations of misconduct or incompetence against any member;
- (b) hear and determine matters referred to it under sections 16 and 22; and
- (c) perform such other duties as are assigned to it by the Council.

Idem

(2) In the case of hearings into allegations of misconduct or incompetence, the Discipline Committee shall,

- (a) consider the allegations, hear the evidence and ascertain the facts of the case;
- (b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;
- (c) determine whether in respect of the allegations so proved the member is guilty of misconduct or incompetence;
- (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of misconduct or of incompetence.

Misconduct

(3) A member may be found guilty of misconduct by the Committee if,

- (a) the member has been found guilty of an offence relevant to the member's suitability to carry on business as a registered insurance broker upon proof of such conviction; or
- (b) the member has been guilty in the opinion of the Discipline Committee of misconduct as defined in the regulations.

Incompetence

(4) The Discipline Committee may find a member to be incompetent if in its opinion the member has, while acting as an insurance broker, displayed a serious lack of knowledge, skill or judgment or a serious disregard for the welfare of a member of the public.

Powers of
Discipline
Committee

(5) Where the Discipline Committee finds a member guilty of misconduct or incompetence it may by order,

- (a) revoke the certificate of the member;
- (b) suspend the certificate of the member for a stated period;
- (c) impose such restrictions on the certificate of the member for such a period and subject to such conditions as the Committee designates;

- (d) reprimand the member and, if deemed warranted, direct that the fact of such reprimand be recorded on the register;
- (e) impose such fine as the Committee considers appropriate to a maximum amount prescribed in the regulations to be paid by the member to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;
- (f) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates;
- (g) impose a requirement that the member reimburse any person who made a complaint against the member for any costs incurred by such person in the proceedings,

or any combination thereof.

(6) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the Corporation reimburse the member for his costs or such portion thereof as the Discipline Committee fixes. ^{Costs}

(7) Where the Discipline Committee revokes, suspends or restricts the certificate of a member on the grounds of misconduct or incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision unless the court to which the appeal is taken orders otherwise. ^{Stay}

(8) Where the Discipline Committee finds a member guilty of misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member. ^{Service of decision of Discipline Committee}

(9) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated. ^{Continuation on expiry of Committee membership}

19.—(1) In proceedings before the Discipline Committee, the Corporation and the member of the Corporation whose conduct is being investigated in the proceedings are parties to the proceedings. ^{Parties to discipline proceedings}

(2) A member whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. ^{Examination of documentary evidence}

Members holding hearing not to have taken part in investigation, etc.

(3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Council considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate.

In camera
1971, c. 47

(4) Notwithstanding anything in *The Statutory Powers Procedure Act, 1971*, hearings of the Discipline Committee shall be held *in camera*, but, if the person whose conduct is being investigated requests otherwise by a notice delivered to the Manager before the day fixed for the hearing, the Committee shall conduct the hearing in public except where,

- (a) matters involving public security may be disclosed; or
- (b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

Recording of evidence

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies or a transcript thereof shall be furnished to the parties at their own cost.

Evidence

(6) Notwithstanding *The Statutory Powers Procedure Act, 1971*, nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it.

Only members at hearing to participate in decision

(7) No member of the Discipline Committee shall participate in a decision of the Committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties.

Release of documentary evidence

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the person who produced them, be released to him by the Committee within a reasonable time after the matter in issue has been finally determined.

Reference to board of inquiry

20.—(1) Where the Manager receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate and report to the Council who may, upon notice to the member, appoint a board of inquiry composed of at least two members of the Corporation and one member of the Council appointed thereto by the Lieutenant Governor in Council who shall inquire into the matter.

Examination

(2) The board of inquiry shall make such inquiries as it considers appropriate and may require the member to submit to physical

or mental examination by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his certificate be suspended until he complies.

(3) The board of inquiry shall report its findings to the Council and deliver a copy thereof and a copy of any medical report obtained under subsection 2 to the member about whom the report is made and if, in the opinion of the Council, the evidence so warrants, the Council shall refer the matter to the Qualification and Registration Committee to hold a hearing and may suspend the member's certificate until the determination of the question of his capacity becomes final.

Hearing by
Qualification
and
Registration
Committee

(4) The Corporation, the person whose capacity is being investigated and any other person specified by the Qualification and Registration Committee are parties to a proceeding under this section.

Parties

(5) A legally qualified medical practitioner is not compellable to produce at the hearing his case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceeding,

Medical
evidence

- (a) where the evidence is required by the Corporation, at least five days before the hearing commences; and
- (b) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

(6) The Qualification and Registration Committee shall, after the hearing,

Powers of
Qualification
and
Registration
Committee

- (a) make a finding as to whether or not the member is an incapacitated member; and
- (b) where the member is found to be an incapacitated member, by order,
 - (i) revoke his certificate,

(ii) suspend his certificate for such period as the Committee considers appropriate, or

(iii) attach such terms and conditions to the certificate as the Committee considers appropriate.

Appeal to
court

21.—(1) Any party to proceedings before the Discipline Committee or the Qualification and Registration Committee may appeal from its decision or order to the Supreme Court.

Powers of
court on
appeal

(2) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Committee appealed from and may exercise all powers of the Committee and may direct the Committee or the Corporation to take any action which the Committee or the Corporation may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the Committee, or the court may refer the matter back to the Committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Restoration
of regis-
tration or
certificate

22.—(1) A person whose certificate has been revoked or suspended for cause under this Act, may apply at any time in writing to the Manager for the issuance of a certificate or removal of the suspension.

Reference
to
Discipline
Committee

(2) The Manager shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Qualification and Registration Committee, which shall hold a hearing and decide upon the application, and shall report its decision and reasons to the Council and to the former member.

Restraining
orders

23.—(1) Where it appears to the Corporation that a person does not comply with a provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Corporation may apply to a judge of the Supreme Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Stop-
orders

24.—(1) Where the Corporation made a *prima facie* case that a member has been or may be guilty of misconduct in connection with any property in his possession or under his control, a judge of the Supreme Court may, upon an *ex parte* application by the Corporation, order that the property described in the order shall

not be paid out or dealt with by the person or persons named in the order without the leave of a judge of the Supreme Court.

(2) Where the Corporation makes a *prima facie* case that the business of a member or former member is neglected to the prejudice of any person or that the interests of the clients of the member or former member are not being protected or that the member or former member has converted trust funds, a judge of the Supreme Court may, upon *ex parte* application by the Corporation, by order appoint a person as trustee with or without bond, to take possession of any property or undertaking in the possession of or under the control of the member or former member for the purpose of preserving, carrying on or winding up the business of the member or former member. Appointment of trustees

(3) A person appointed under subsection 2 shall, in respect of any trust property of the member or former member, be the trustee thereof, and he shall in respect thereof take the place of a personal representative, committee or other representative, if any, of the member or former member. Idem

(4) Any person may apply to a judge of the Supreme Court for an order varying or discharging any order made under subsection 1 or 2. Variation, discharge of order

(5) The judge may, in an order made under subsection 2, make provision for the remuneration, disbursements and indemnification of the trustee out of such moneys or otherwise as the judge may specify. Remuneration

25.—(1) Where the Manager, or in his absence, a person designated by the Manager, believes on reasonable and probable grounds that a member has committed an act of misconduct or incompetence, the Manager or the Manager's designate may by order appoint one or more persons to make an investigation to ascertain whether such an act has occurred, and the person appointed shall report the result of his investigation to the Manager or the Manager's designate. Investigation of members

(2) Where the Manager or the Manager's designate appoints persons to make an investigation to ascertain whether a member has committed an act of misconduct or incompetence involving trust funds, the persons appointed shall include two persons representing the insurers for whom funds were or ought to have been held in trust. Idem

(3) For purposes relevant to the subject-matter of an investigation under this section, a person appointed to make the investigation may inquire into and examine the practice of the member in respect of whom the investigation is being made and may, upon Powers of investigator

production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to the subject-matter of the investigation, and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

Obstruction
of
investigator

(4) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Search
warrant

(5) Where a provincial judge is satisfied, upon an *ex parte* application by a person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under subsection 3, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

(6) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection 3 or 5 relating to the member whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

Admissi-
bility
of copies

(7) Any copy made as provided in subsection 6 and certified to be a true copy by a person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

Report of
Manager

(8) The Manager shall report the results of the investigation to the Council or such other committee as he considers appropriate.

26.—(1) Every person employed in the administration of this Part, including any person making an inquiry or investigation under section 25 and any member of the Council or a Committee, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under section 25 and shall not communicate any such matters to any other person except,

Matters
confidential

- (a) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Act or the regulations or by-laws.

Testimony
in civil
suit

(3) Any information, document, record, statement or thing made or disclosed to the Manager, the Council or a committee of Council concerning a member or a person applying for registration under this Act is privileged and shall not be used as evidence in any civil action or proceeding in any court brought by or on behalf of such member or person.

Privileged
information

27.—(1) No certificate shall be issued to a corporation that acts as an insurance broker if the majority of its issued and outstanding shares that entitle the holder to any voting rights are owned beneficially or otherwise by a non-resident of Canada as defined in subsection 2b of section 353 of *The Insurance Act* unless the corporation was licensed as a broker under *The Insurance Act* on the 27th day of April, 1972.

Prohibition
re: non-
residents

R.S.O. 1970,
c. 224

(2) A corporation that was licensed as an insurance broker on or before the 27th day of April, 1972, and whose issued shares entitling the holders thereof to voting rights were more than 50 per cent owned, as of that date, beneficially or otherwise, by one or more non-residents of Canada is not entitled to continue to hold a certificate under this Act if it amalgamates, unites, merges, acquires the assets or business of, or acquires the shares of any other broker or a licensed agent or adjuster.

Prohibition
of a non-
resident to
amalgamate

28.—(1) Every member shall maintain a mailing address in Ontario, which address shall be suitable to permit service by registered mail, and shall register the mailing address with the Manager.

Mailing
address

Personal
service

(2) Any legal process and any notice or document served personally or served by registered mail at the mailing address registered with the Manager is deemed for all purposes to have been served personally upon the member.

Deemed
resident

(3) For the purpose of any civil action brought against a member, the member is deemed to be a resident of the county in which the mailing address is located.

Service of
notice

29.—(1) Subject to section 28, any notice or document required by this Act to be served may be served personally or by prepaid first class mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

Idem

(2) For a period of one year after the date on which a former member ceased to be a member of the Corporation, the mailing address of the former member registered with the Manager under section 28 shall be deemed to be the former member's last known address unless the former member registers a new mailing address with the Manager.

Administer-
ing oaths

(3) Every member of the Qualification and Registration Committee, the Discipline Committee and each Complaints Committee has power to administer oaths and affirmations for the purposes of any of its proceedings.

Registrar's
certificate
as evidence

30. Any statement containing information from the records required to be kept by the Manager under this Act, purporting to be certified by the Manager under the seal of the Corporation is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the Manager and without proof of the seal.

Corporation,
Council and
committees

31. No action or other proceeding for damages shall be instituted against the Corporation, the Council, a Committee or any member of the Council or committee, or any officers, servants, agents or appointees of the Corporation, for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Trust
funds

32.—(1) All funds received or receivable by a member in the course of his business on behalf of insurers from members of the public or on behalf of members of the public from insurers are deemed to be trust funds.

(2) No member shall assign, pledge, hypothecate or mortgage ^{Idem} or in any way charge the funds referred to in subsection 1 whether or not such funds have been received or remain receivable.

(3) Any assignment, pledge, hypothecation, mortgage or other ^{Idem} charge of or on funds referred to in subsection 1 is null and void as against the beneficial owner of the funds.

33.—(1) No person shall make or cause to be made any wilful falsification in any matter relating to a register or issue a false certificate or document with respect to registration. ^{Falsification of certificates}

(2) No person shall wilfully procure or attempt to procure himself or any other person to be registered under this Act by knowingly making any false representation or declaration or by making any fraudulent representation or declaration, either orally or in writing. ^{False representations, etc.}

34.—(1) Every person who contravenes any provision of this Act and every director or officer of a corporation or unincorporated association and every member of a partnership who knowingly concur in such contravention is guilty of an offence and on conviction is liable to a fine of \$5,000 or to imprisonment for a term of not more than six months, or to both. ^{Offence}

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. ^{Corporation}

(3) No proceeding under this section shall be commenced more than five years after the time when the subject-matter of the proceeding arose. ^{Limitation period}

35. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) respecting and governing the nomination, election and term of office of the members to be elected to the Council, the filling of vacancies on the Council and controverted elections;
- (b) governing the size and composition of the Council;
- (c) respecting any matter ancillary to the provisions of this Act with regard to the issuing, renewal, suspension and revocation of certificates;
- (d) providing for the expiration of certificates and governing and establishing the requirements and qualifications for the issuing and renewal of certificates;

- (e) providing for the maintenance and inspection of registers;
- (f) governing standards of practice for registered insurance brokers;
- (g) defining misconduct for the purposes of this Act and providing for a code of conduct;
- (h) providing for a program for the continuing education of members to maintain their standard of competence and requiring members to participate in such continuing education;
- (i) respecting the reporting and publication of decisions in disciplinary matters;
- (j) providing for the compilation of statistical information on the supply, distribution and business activities of members and requiring members to provide the information necessary to compile such statistics;
- (k) respecting returns, reports, information or disclosure to be provided or made by members to the Corporation, the Superintendent, members of the public or any other person or persons;
- (l) fixing maximum fines that may be imposed upon members found guilty of misconduct;
- (m) establishing rules of practice and procedure for hearings held under this Act;
- (n) respecting trust funds and the keeping of trust accounts by members;
- (o) respecting the reporting and auditing of members' accounts and specifying the type and nature thereof;
- (p) requiring the filing of financial guarantees by members of the Corporation and respecting the collateral security for terms, conditions and form of financial guarantees;
- (q) establishing and governing minimum indemnity insurance requirements for members and requiring and respecting errors and omissions insurance;
- (r) establishing and governing minimum equity capitalization requirements for members;

- (s) establishing and respecting restrictions and limitations on the sale and ownership of insurance brokers and the businesses of insurance brokers;
- (t) prescribing forms and providing for their use;
- (u) exempting any person or group of persons from all or part of the provisions of this Act and the regulations subject to such terms and conditions as may be set out in the regulations.

36.—(1) Notwithstanding any other provision of this Act, a ^{Transition} person holding a valid licence as an insurance agent or an insurance broker under *The Insurance Act* issued before the day on which this section comes into force, who is an insurance broker within the meaning of insurance broker contained in this Act, shall be deemed to be a registered insurance broker under this Act and the person shall be so registered as a member by the Manager. ^{R.S.O. 1970, c. 224}

(2) Where the word “agency” or “agencies” appears in the name ^{Change of name} of a corporation that is an insurance broker, the corporation shall amend its articles of incorporation or other instrument by which the corporation is incorporated by deleting the word “agency” or “agencies” and substituting the word “broker” or “brokers”, as the case may be, within six months after the day on which this section comes into force.

(3) A corporation incorporated by or under the authority of ^{Idem} the Legislature may change its name under subsection 2 by filing a notice with the Minister in the form prescribed by the regulations, and on the date of such filing, the name of the corporation is changed and its articles of incorporation are amended accordingly.

(4) Notwithstanding any other provision of this Act, a person ^{Idem} who has carried on business as an insurance consultant for a period of five years before the day on which this Act comes into force and who complies with this Act and the regulations is entitled, upon application made within two months of the day on which this Act comes into force, to become a registered insurance broker and the person shall be so registered as a member by the Manager.

PART II

INSURANCE ACT AMENDMENTS

37.—(1) Paragraph 5 of section 1 of *The Insurance Act*, being ^{s. 1, par. 5, re-enacted} chapter 224 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

5. "agent" means a person who, for compensation, commission or any other thing of value,

1979, c. 87

(a) solicits insurance on behalf of an insurer who has appointed him to act as the agent of such insurer or on behalf of the Facility Association under *The Compulsory Automobile Insurance Act, 1979*; or

(b) solicits insurance on behalf of an insurer or transmits, for a person other than himself, an application for, or a policy of insurance to or from such insurer, or offers or assumes to act in the negotiation of such insurance or in negotiating its continuance or renewal with such insurer,

and who is not a member of the Registered Insurance Brokers of Ontario nor a person acting under the authority of subsection 15, 16 or 17 of section 342.

s. 1, par. 11,
re-enacted

(2) Paragraph 11 of the said section 1 is repealed and the following substituted therefor:

1980, c. ...

11. "broker" means an insurance broker within the meaning of *The Registered Insurance Brokers Act, 1980*.

s. 342 (12),
re-enacted

38.—(1) Subsection 12 of section 342 of the said Act is repealed and the following substituted therefor:

Authority
of agent

(12) No agent for insurance, other than an agent who holds a licence within the class of licence referred to in clause *a* of subsection 2, shall be licensed to act as agent for more than one insurer transacting insurance and the name of such insurer shall be specified in the licence and no such agent shall represent himself to the public by advertisement or otherwise as the agent of more than one such insurer.

Insurance
groups

(12a) Notwithstanding subsection 12, an agent may be licensed to act as agent for an affiliated group of insurers that, in the opinion of the Superintendent, are carrying on business as a common undertaking and such affiliated group of insurers shall be deemed to be an insurer for the purpose of determining the agent's authority to act as an agent under this Act.

s. 342 (18),
re-enacted

(2) Subsection 18 of the said section 342 is repealed and the following substituted therefor:

Salaried
officials,
etc., acting
without
licence

(18) Unless the Superintendent otherwise directs, an officer or salaried employee of the head office of an insurer who does not receive commission may, without a licence, solicit contracts of life insurance, accident insurance and sickness insurance on behalf of

the insurer but an officer or employee whose application for a licence as an insurance agent or salesman has been refused or whose licence has been revoked or suspended may not so act without the written approval of the Superintendent.

39. Section 343 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 66, section 13, is repealed. s. 343,
repealed

40. Sections 344, 345 and 346 of the said Act are repealed. ss. 344, 345
and 346,
repealed

41. Subsection 1 of section 352 of the said Act is amended by striking out “brokers” in the first line. s. 352 (1),
amended

42.—(1) Subsection 1 of section 353 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 84, section 19, is amended by striking out “brokers” in the first line and “broker” in the fourth line. s. 353 (1),
amended

(2) Subsection 2 of the said section 353 is amended by striking out “or brokers” in the first line and by striking out “or broker” in the fourth line. s. 353 (2),
amended

(3) Subsection 2*a* of the said section 353, as enacted by the Statutes of Ontario, 1972, chapter 66, section 14, is amended by striking out “broker” in the second line. s. 353 (2*a*),
amended

(4) Subsection 2*c* of the said section 353, as enacted by the Statutes of Ontario, 1972, chapter 66, section 14, is amended by striking out “broker” in the first line and in the ninth line. s. 353 (2*c*),
amended

(5) Subsection 3 of the said section 353 is amended by striking out “brokers” in the fourth line. s. 353 (3),
amended

(6) Subsection 6 of the said section 353 is amended by striking out “or broker” in the second line. s. 353 (6),
amended

43. Section 354 of the said Act is amended by striking out “broker” in the second line, the third line and the sixth line. s. 354,
amended

44. Subsection 1 of section 356 of the said Act is repealed and the following substituted therefor: s. 356 (1),
re-enacted

(1) No insurer, and no officer, employee or agent thereof, and no broker, shall directly or indirectly pay or allow, or agree to pay or allow, compensation or anything of value to any person for placing or negotiating insurance on lives, property or interests in Ontario, or negotiating the continuance or renewal thereof, or for attempting so to do, who, at the date thereof, is not an agent or broker or a person acting under subsection 15 of section 342 and whoever contravenes this subsection is guilty of an offence. No compensation to be paid by insurer not licensed

s. 359,
amended

45. Section 359 of the said Act is amended by striking out “a broker or adjuster” in the second line and inserting in lieu thereof “an adjuster”.

Commence-
ment

46. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

47. The short title of this Act is *The Registered Insurance Brokers Act, 1980*.

An Act respecting the
Registered Insurance Brokers of Ontario

1st Reading

June 6th, 1980

2nd Reading

November 4th, 1980

3rd Reading

December 10th, 1980

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

4TH SESSION, 31ST LEGISLATURE, ^TONTARIO
29 ELIZABETH II, 1980 *Legislative Assembly*

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

EXPLANATORY NOTE

The purpose of this Bill is to increase the representation on the Metropolitan School Board for The Board of Education for the Borough of Scarborough from two members to three members effective December 1st, 1980.

BILL 119

1980

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 121 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 54, section 4 and amended by 1979, chapter 90, section 3, is repealed and the following substituted therefor:

s. 121 (2),
re-enacted

 - (2) On and after the 1st day of December, 1980, the School Board, subject to subsection 6, shall be composed of the chairman of each board of education in the Metropolitan Area and,

Composition
of
School
Board

 - (a) one member of and appointed by The Board of Education for the Borough of Etobicoke;
 - (b) three members of and appointed by The Board of Education for the City of North York;
 - (c) three members of and appointed by The Board of Education for the Borough of Scarborough;
 - (d) five members of and appointed by The Board of Education for the City of Toronto; and
 - (e) three members appointed by the Metropolitan Separate School Board who may be members of such board.
2. This Act comes into force on the 1st day of December, 1980.

Commence-
ment
3. The short title of this Act is *The Municipality of Metropolitan Toronto Amendment Act, 1980*.

Short title

BILL 119

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

June 9th, 1980

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

BILL 119

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



TORONTO

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BILL 119

1980

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 121 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 54, section 4 and amended by 1979, chapter 90, section 3, is repealed and the following substituted therefor: s. 121 (2),
re-enacted

(2) On and after the 1st day of December, 1980, the School Board, subject to subsection 6, shall be composed of the chairman of each board of education in the Metropolitan Area and, Composition
of
School
Board

(a) one member of and appointed by The Board of Education for the Borough of Etobicoke;

(b) three members of and appointed by The Board of Education for the City of North York;

(c) three members of and appointed by The Board of Education for the Borough of Scarborough;

(d) five members of and appointed by The Board of Education for the City of Toronto; and

(e) three members appointed by the Metropolitan Separate School Board who may be members of such board.

2. This Act comes into force on the 1st day of December, 1980. Commence-
ment

3. The short title of this Act is *The Municipality of Metropolitan Toronto Amendment Act, 1980*. Short title

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

June 9th, 1980

2nd Reading

June 17th, 1980

3rd Reading

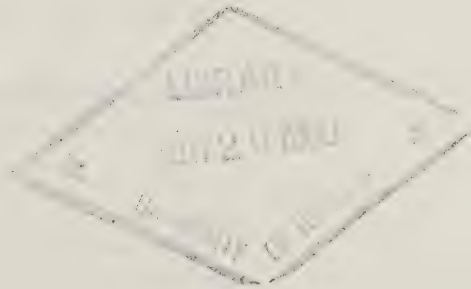
June 19th, 1980

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act respecting the City of Brantford, the Township of
Brantford and the County of Brant

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



EXPLANATORY NOTES

The purpose of this Bill is to provide for the annexation of the lands referred to in sections 2 and 7 of the Bill to the City of Brantford under an agreement reached by the councils of the City of Brantford, the Township of Brantford and the County of Brant.

SECTION 1. Self-explanatory.

SECTION 2. This section provides for the annexation of lands in 1981, 1991 and 1996.

BILL 120

1980

An Act respecting the City of Brantford, the Township of Brantford and the County of Brant

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “annexed area” means the lands annexed to the City of Brantford under subsection 1 of section 2;
- (b) “City” means The Corporation of the City of Brantford;
- (c) “County” means The Corporation of the County of Brant;
- (d) “Minister” means the Minister of Intergovernmental Affairs;
- (e) “Municipal Board” means the Ontario Municipal Board;
- (f) “Township” means The Corporation of the Township of Brantford.

2.—(1) On the 1st day of January, 1981, the portions of the Township described in Schedule A are annexed to the City. Annexation

(2) On the 1st day of January, 1991, the portions of the Township being composed of approximately 50 acres in Lot 18, Concession II north of and contiguous to Highway 403 and approximately 50 acres in Lot 19, Concession II north of and contiguous to Highway 403, or such other lands as the City and Township may agree upon, as described by an order of the Lieutenant Governor in Council to be made in the year 1990, are annexed to the City. Subsequent
annexation

(3) The determination of the lands to be annexed under subsection 2 shall be made jointly by agreement among the City, the Agreement

County and the Township by the 1st day of July, 1990, and, following such agreement, the Lieutenant Governor in Council shall, by order, annex the lands agreed upon by the City, the Township and the County.

Order in
council

(4) If the City, the Township and the County are unable to agree on the lands to be annexed under subsection 2, the Lieutenant Governor in Council shall, by order, annex such lands to the City as the Lieutenant Governor in Council may consider appropriate.

Subsequent
annexation

(5) On the 1st day of January, 1996, the portions of the Township described in Schedule B not previously annexed under subsection 2, are annexed to the City.

Application of
R.S.O. 1970,
c. 284,
ss. 5, 336

3.—(1) Sections 5 and 336 of *The Municipal Act* apply to the City in respect of the lands described in Schedule B.

Roads and
water

(2) On and after the 1st day of January, 1991, the City may provide roads, piped water and sewer services to the lands to be annexed to the City under subsection 5 of section 2.

Limitation

(3) Subject to subsection 2, the City may not extend piped water or sewer services beyond its boundaries without the consent of the Township or unless so ordered by the Province of Ontario under any general Act.

Official
plan
designations

4.—(1) The portions of the Township described in Schedule C shall be designated by the Township in its official plan, and in subsequent amendments thereto, so as to ensure the preservation of farmland, the provision of a municipal water supply and the development of mineral resource extraction and for uses related to agriculture and mineral resource extraction.

Official
plan
amendments

(2) The Township shall prepare, adopt and submit to the Minister of Housing an amendment to its official plan for the area referred to in subsection 1 by the 1st day of September, 1980.

Idem

(3) The Township, subject to the agreement of the City and the County, and the City, subject to the agreement of the Township and the County, shall prepare, adopt and submit to the Minister of Housing by the 1st day of September, 1980 amendments to their official plans for the portions of the area described in Schedule D under their respective jurisdictions.

Idem

(4) The Township shall prepare, in consultation with the City and County, and shall adopt and submit, after consultation with the City and County, to the Minister of Housing in accordance with *The Planning Act* by the 1st day of September, 1981 an

R.S.O. 1970,
c. 349

SECTION 3. This section enables the City to provide municipal services to the lands that will be annexed in 1991 and 1996.

SECTION 4. This section requires that amendments be made to the official plan of the Township. Under subsection 1, the lands in the Township adjacent to the annexed area and described in Schedule C will be designated in the official plan for rural uses.

The area described in Schedule D is a joint planning area of the City and the Township and the official plans of the City and the Township in respect thereof are to be prepared subject to the agreement of the City, the Township and the County. The official plan for the remainder of the Township is to be amended in consultation with the City and the County.

The official plan amendments for the areas described in Schedules C and D will be submitted to a hearing officer for a public hearing following which the recommendation of the hearing officer and recommendation of the Minister of Housing will be submitted to the Lieutenant Governor in Council who will approve the appropriate official plan amendments. The official plan amendments for the remainder of the Township may be approved under *The Planning Act* or at the request of the Township and with the concurrence of the Minister of Housing may be submitted to a hearing officer, in which case the procedures respecting the areas described in Schedules C and D will apply.

amendment to its official plan for the portions of the Township not described in Schedules C and D.

(5) The City, the Township and the County may appoint one or more arbitrators to decide the detailed definition of land uses in the official plan amendments to be submitted in accordance with subsections 2 and 3. Arbitration

(6) If the City, the Township and the County cannot agree on the detailed definition of land uses referred to in subsection 5 or are unable to agree on the appointment of an arbitrator or arbitrators, the Minister of Housing shall appoint a hearing officer under subsection 7. Idem

(7) The Minister of Housing shall appoint one or more hearing officers to hear representations and make recommendations, having regard to the objective referred to in subsection 1, concerning the proposed designations for the areas included in the official plan amendments to be submitted in accordance with subsections 2 and 3, and the Minister of Housing may, upon the request of the Township and if he considers it appropriate, appoint one or more hearing officers to hear representations and make recommendations concerning the proposed designations for the areas included in the official plan amendment submitted in accordance with subsection 4, and, following a hearing under rules of procedure adopted by the hearing officer or officers, the recommendations of the hearing officer or officers shall be made to the Minister of Housing concerning the proposed official plan or plans and copies of the recommendations shall be filed with the clerks of the City, the Township and the County and public notice of such filing shall be given by the clerk of each municipality. Hearing officers

(8) Following the recommendations of the hearing officer or officers, the Minister of Housing shall make a recommendation to the Lieutenant Governor in Council as to whether the report of the hearing officer be approved, rejected or varied, and if the recommendation of the Minister of Housing to the Lieutenant Governor in Council is other than that the report of the hearing officer be approved, then the Minister of Housing shall give public notice to this effect, state his intentions and a period of twenty-one days shall be allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council. Approval of recommendations

(9) Where the Minister of Housing makes a recommendation under subsection 8 respecting the areas referred to in subsections 2 and 3, he shall have regard to the objective set out in subsection 1. Objective to be considered

(10) The City, the Township and the County shall not make representations under subsections 7 and 8 that are contrary to an agreement under subsection 1 or 3, or that are contrary to the decision of an arbitrator under subsection 5. Estoppel

Approval
of official
plans

(11) The Lieutenant Governor in Council having regard to the objective set out in subsection 1 may, by order, approve the proposed amendments to the official plans or may approve them with such modifications as the Lieutenant Governor in Council, following consultation with the municipalities, considers desirable, and thereupon the official plans, as amended, are, for the purposes of every Act, the official plans for the municipalities and portions of municipalities affected thereby.

Mutual
Planning
Advisory
Committee

(12) The City, the Township and the County shall establish a consultative body, to be known as the "Mutual Planning Advisory Committee", to advise the municipalities on planning matters in the portions of the Township and City described in Schedule D.

City's power
to apply to
O.M.B. for
annexations
restricted

5.—(1) The City shall not apply to the Municipal Board for the annexation of any lands in the Township before the 1st day of January, 2004 unless the Township agrees to such annexation.

Exceptions

(2) Notwithstanding subsection 1 but subject to subsection 4, the City may apply to the Municipal Board at any time to annex,

(a) lands within the area described in Schedule C or D, other than lands that are the subject of an agreement under clause *c* of subsection 2 of section 8, to which the Township requests that the City extend piped water or sewer services or to which the Province of Ontario under any general Act requires the City to extend such services;

(b) lands within the area described in Schedule C or D,

(i) for which a draft plan of subdivision to which the Minister of Housing has given approval or draft approval under section 33 of *The Planning Act*, or

(ii) in respect of which a restricted area by-law or by-law amendment which takes effect under section 35 of *The Planning Act* or an approval granted by the Township or a local board thereof,

permits development exceeding that provided for in the official plan amendments submitted under subsections 2 and 3 of section 4 by any of the following,

(iii) residential development, other than farm dwellings, consisting of more than twenty adjacent or proximate dwelling units, or development consisting of more than twenty adjacent or proximate residential lots created as a result of consents under section 29 of *The Planning Act* or by a

SECTION 5. This section restricts the City's power to annex lands.

SECTION 6. This section provides for the election of the councils and the public utilities commissions of the City and Township, The Brant County Board of Education and The Brant County Separate School Board.

plan or plans of subdivision under section 33 of
The Planning Act,

R.S.O. 1970,
 c. 349

(iv) commercial development of a total of more than 930 square metres of gross floor area on one parcel of land or on two or more adjacent parcels,

(v) industrial development on a total of more than four hectares of land capable of being utilized for industrial purposes on one parcel of land or on two or more adjacent parcels; and

(c) such other lands lying between lands annexed under this subsection and the closest logical boundary of the City that, in the opinion of the Municipal Board, are required to provide an appropriate boundary between the City and the Township.

(3) The County and the Township shall not oppose any annex-application made under clause *a* of subsection 2.

Opposition by
 County and
 Township
 prohibited

(4) The City, the Township and the County may from time to time agree that no application may be made under subsection 2 during the period set out in the agreement with respect to lands described therein and the City shall not apply to the Municipal Board during any such period to annex the described lands.

Agreements
 not to
 annex
 lands

6.—(1) For the term of office beginning on the 1st day of December, 1980, the council of the City shall be composed of a mayor who shall be elected by general vote of the electors of the City and shall be the head of the council, and eleven members elected by wards.

Composition
 of City
 council

(2) Subject to subsection 4, for the term of office beginning on the 1st day of December, 1982 and for subsequent terms of office, the council of the City shall be composed of a mayor who shall be elected by general vote of the electors of the City and who shall be the head of the council, and such number of members elected by wards as the Minister by order determines, following representations by the City as to the composition of council.

Idem

(3) For the purposes of the elections in the years 1980 and 1982, the Minister may, by order, divide the City and annexed area into wards and make provision for the respective number of members of the council and the public utilities commission of the City to be elected in the respective wards, and the wards provided for the elections in the year 1982 shall remain in effect until altered by the Municipal Board.

Elections in
 1980 and 1982

(4) Notwithstanding *The Municipal Elections Act, 1977*, the Minister may, by order, provide for the holding of the election in

Idem
 1977, c. 62

the year 1980 of the members of the councils of the City and the Township, The Public Utilities Commission of the City of Brantford, the Hydro-Electric Commission of the Township of Brantford, The Brant County Board of Education and The Brant County Separate School Board, including nominations, polling days, qualifications of electors, polling places, the appointment of returning officers, preparation of polling lists, the terms of office of the members and any other matters considered necessary in respect of the election.

Application of
R.S.O. 1970,
c. 284, s. 28

(5) If the wards provided for the elections in the year 1982 are altered by the Municipal Board, the council of the City shall be composed in accordance with section 28 of *The Municipal Act*.

Public
Utilities
Commission
1944, c. 72
R.S.O. 1970,
c. 390

(6) Notwithstanding *The City of Brantford Act, 1944* and section 42 of *The Public Utilities Act*, for the term of office beginning the 1st day of December, 1980, The Public Utilities Commission of the City of Brantford shall be composed of the mayor of the City and six members, elected by wards.

Idem

(7) For the term of office beginning the 1st day of December, 1982, the Minister may, by order, following representations by the City and The Public Utilities Commission of the City of Brantford as to the composition of the Commission, determine the composition of the Commission and the composition of the Commission continues as set out in the order until such time as the council of the City, by by-law, provides that *The City of Brantford Act, 1944* shall apply.

1944, c. 72

Transportation
and service
corridor

7.—(1) The City, the Township and the County may by agreement make recommendations with respect to, and the Lieutenant Governor in Council shall, by order, do whatever the Lieutenant Governor in Council considers necessary for, the provision of a transportation and service corridor to link the portion of the annexed area lying to the north-west of the City with the portion of the annexed area lying to the south-west of the City, and, notwithstanding the generality of the foregoing, may authorize the City to acquire any lands that the Lieutenant Governor in Council considers necessary for such purpose.

Arbitration

(2) The City, the Township and the County may appoint one or more arbitrators to make recommendations concerning the limits of the corridor referred to in subsection 1 and the desirability of annexing the area or any part thereof to the City.

Idem

(3) If the City, the Township and the County are unable to agree on the matters referred to in subsections 1 and 2 or are unable to agree on the appointment of an arbitrator or arbitrators by the 30th day of September, 1981, the Minister shall appoint one or more arbitrators to assist in the resolution of the issues that have not been resolved.

SECTION 7. This section provides for the establishment of a transportation and service corridor to link areas annexed to the City. The section also provides for the annexation of lands that are considered appropriate in connection with the corridor.

SECTION 8. This section provides for various cost-sharing agreements respecting the matters set out in the section.

(4) The Lieutenant Governor in Council may, by order, annex ^{Orders in council} any or all of the corridor area to the City.

(5) The Lieutenant Governor in Council shall, by order, annex ^{Idem} to the City such area as is agreed upon by the City, the Township and the County under this section.

(6) Before an order is made under subsection 4, the Minister ^{Public notice} shall cause public notice to be given and a period of twenty-one days shall be allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council.

(7) The Lieutenant Governor in Council may, by order, alter ^{Amendment of Schedules} the boundaries of the lands described in Schedules C and D to conform with the limits of the corridor area.

8.—(1) The City and the County may enter into agreements to ^{Cost sharing agreements} determine the municipal contributions to the Brantford Suburban Roads Commission and the sharing of costs in respect of suburban roads, the Brant Planning Board, the Children's Aid Society of Brant, homes-for-the-aged, rescue truck services, assisted housing, general welfare, hospital debt, health, emergency measures and a fire radio alarm system.

(2) The City and the Township may enter into agreements to, ^{Idem}

- (a) share municipal costs attributable to the use of the City of Brantford Public Library and the City landfill site facilities;
- (b) determine the use, maintenance and disposition by the Township of the Shellard Lane well and related water lines;
- (c) define areas in the Township to be supplied with water by the City and establish the rates for such water; and
- (d) define areas in the City to be supplied with water by the Township and establish the rates for such water.

(3) The City, the Township and the County may appoint one or ^{Arbitration} more arbitrators, whose decision shall be final, to decide any of the matters referred to in subsections 1 and 2.

(4) If the City, the Township or the County are unable to agree ^{Idem} on any of the matters referred to in subsections 1 and 2 or are unable to agree on the appointment of an arbitrator or arbitrators, the Minister shall appoint one or more arbitrators, whose decision shall be final, to decide any of the issues which have not been resolved.

(5) Agreements reached for sharing costs shall not require the ^{Assent of electors not required} assent of the electors.

Application
of
R.S.O. 1970,
c. 201

(6) Sections 66, 67 and 68 of *The Public Transportation and Highway Improvement Act* do not apply to agreements reached under this section in respect of suburban roads and the Brantford Suburban Roads Commission, but such agreements shall not take effect until they have been approved by the Lieutenant Governor in Council.

Application
of
1978, c. 85

(7) Subsection 6 of section 8 of *The Child Welfare Act, 1978* does not apply to agreements reached under this section in respect of the Children's Aid Society of Brant, but such agreements shall not take effect until they have been approved by the Lieutenant Governor in Council.

Order in
council

(8) The Lieutenant Governor in Council may, by order, approve or reject the agreements referred to in subsections 6 and 7, and following the approval of any agreement, the sharing of costs as approved becomes effective on the date specified in the order.

Transitional
rates

9.—(1) The Minister may provide from time to time, by order, that in the years 1981, 1982, 1983, 1984, 1985 and 1986, and in the manner specified in the order, that the council of the City shall levy and impose on the whole of the annexed area and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section.

Rural areas

(2) The City may provide for rates of taxation for general purposes and rates and charges for special purposes in defined areas of the rural parts of the annexed area lower than the rates generally applicable in the City to reflect the extent to which rural areas do not receive City services, and the rates may vary among the defined areas.

Determination
of area
rating

(3) The level, duration, boundaries and conditions of the area rating authorized under subsection 2 shall be determined by a committee consisting of one representative appointed by each of the City, the Township and the County and such other person or persons as the Minister may appoint, and the determination of the committee shall be effective upon the unanimous ratification by the councils of the municipalities.

Arbitration

(4) If the committee cannot agree on any of the issues which it is required to determine or if the councils of the municipalities do not ratify the determination of the committee, the councils may appoint one or more arbitrators, whose decision shall be final, to decide the issue or issues.

SECTION 9. This section provides for transitional rates and area rating in the areas to be annexed in 1981.

SECTION 10. This section provides for the method of calculating the surplus for 1980 for which allowance is to be made, or the operating deficit to be provided for, in the estimates for the City for 1981.

SECTION 11. This section provides for the allocation of any surplus or deficit against assessment relating to such surplus or deficit.

SECTION 12. This section vests assets and liabilities attributable to areas annexed under this Bill.

(5) If the councils cannot agree on the appointment of an arbitrator or arbitrators, the Minister shall appoint one or more arbitrators, whose decision shall be final, to decide the issue or issues. Idem

(6) The Ministry of Revenue shall in the years 1980 and 1981 assess real property in the annexed area on the same basis as the assessment of real property in the Township, and the special assessment roll prepared for the annexed area in accordance with this provision shall be used for the fixing and levying of rates of taxation by the council of the City in the years 1981 and 1982. Assessment in annexed area

10.—(1) For the purposes of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made, or the operating deficit to be provided for, in the estimates of the council of the City for the year 1981 shall be the aggregate of the audited surplus or audited operating deficit of the City and the portions of the audited surplus or audited operating deficit of the Township attributable to the annexed area. Estimates R.S.O. 1970, c. 284

(2) For the purposes of subsection 1, the audited surplus or audited operating deficit attributable to the annexed area shall be an amount that is the same proportion of the audited surplus or audited operating deficit of the Township that the amount of the assessment of the annexed area is of the total amount of the assessment of the Township, according to the 1980 assessment rolls as returned to the clerks of the City and Township. Calculation of audited surplus, deficit

11.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act* other than reserves established in connection with the employment of officers or servants by the City or the Township. Interpretation

(2) The audited surplus or audited operating deficit of the Township or the City at the 31st day of December, 1980 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1981. Allocation of surplus or deficit

12.—(1) All the assets and liabilities of the Township attributable to an area annexed to the City under this Act and the County roads in an area so annexed become assets and liabilities of the City on the effective date of the annexation without compensation. Assets and liabilities, County roads

(2) Notwithstanding subsection 1, the Tranquility Fire Hall and Community Centre shall remain an asset of the Township until such time as it ceases to be used by the Township for the purposes for which it was used on the 1st day of April, 1980, and Exceptions

the Shellard Lane well and related water lines shall remain assets of the Township until such time as the Township and the City have reached agreement on the ultimate disposition of the well and water lines.

Arbitration
re assets and
liabilities

13.—(1) In the year in which an annexation occurs under section 2 or 7 of this Act, the Minister shall appoint committees of arbitrators for the purpose of determining the assets and liabilities of the Township attributable to the lands annexed and the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township attributable to such lands.

Composition
of arbitration
committees

(2) Each committee shall consist of one representative appointed by each of the City, the Township and the County and such other person or persons as the Minister may appoint.

Provisional
determination

(3) Before the 31st day of December of the year in which the annexation occurs, the committee shall, where appropriate, make a provisional determination of the disposition of the known assets, liabilities and reserve funds of the Township and the disposition shall become operative from the 1st day of January of the following year.

Final
determination

(4) As soon as possible thereafter, the committee, where appropriate, shall make a final determination of the disposition of assets, liabilities and reserve funds as at the 31st day of December of the year in which the annexation occurs together with the determination of any financial adjustments that may be necessary.

Notice of
determination
deemed
agreement

(5) The final determination made under subsection 4 shall be forwarded forthwith to the clerks of the municipalities concerned and the Municipal Board, and unless the council of the City, Township or County notifies the Municipal Board in writing within thirty days of the mailing of such determination that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities.

R.S.O. 1970,
c. 284

Proviso

(6) Notwithstanding the provisions of section 11 and this section, the Minister may prescribe the period over which any adjustments and settlements made under section 11 or this section are to be made.

Continuation
of by-laws

14.—(1) Every by-law of the Township and the County as the by-law exists on the 31st day of December, 1980 shall remain in force in the annexed area and may be amended or repealed by the council of the City.

SECTION 13. This section provides for the appointment of committees of arbitrators to identify and provide for the disposition of assets and liabilities attributable to an area annexed under this Bill.

SECTIONS 14-16. Self-explanatory.

SECTION 17. This section confirms the validity of the annexation negotiations and agreement that preceded the introduction of this Bill.

SECTIONS 18, 19. Self-explanatory.

(2) Where the Township or the County has commenced proce- Idem
dures to enact a by-law that, prior to its enactment, requires the approval of any minister of the Crown, any Provincial Ministry, the Municipal Board or any Provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1980, then the council of the City shall be entitled to continue the procedure to finalize such by-law of the Township or the County in so far as it pertains to the City, and the provisions of subsection 1 apply with necessary modifications to any such by-law.

15. Where the Minister or the Lieutenant Governor in Coun- Appointment
cil is given the power to make an order under this Act, the Minister of arbitrators
or the Lieutenant Governor in Council, respectively, may appoint and advisors
such arbitrators or other persons as is considered appropriate to assist in the determination of such matters.

16. The Lieutenant Governor in Council, upon the recom- General
mendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the Minister's opinion are considered necessary or advisable to carry out effectively the purposes of this Act.

17. The City, the Township and the County and those Brantford-
negotiating on their behalf shall be deemed to have always had the Brant
power to negotiate and enter into the Brantford-Brant Local Local
Government Pilot Project Agreement entered into by the Government
municipalities in April, 1980. Pilot
Project
Agreement

18. The Lieutenant Governor in Council may, at any time Grants
prior to the 1st day of January, 1987, by order, on such terms and conditions as the Lieutenant Governor in Council considers appropriate, provide for payments to be made to the City, the Township and the County to achieve any of the purposes of this Act.

19. In the event of any conflict between any provision of this Conflict
Act and any provision of any general or special Act, the provision of this Act prevails.

20. This Act comes into force on the day it receives Royal Commence-
Assent. ment

21. The short title of this Act is *The Brantford-Brant Annex- Short title
ation Act, 1980.*

SCHEDULE A

AREAS TO BE ANNEXED TO THE CITY OF BRANTFORD ON THE 1ST DAY OF JANUARY, 1981

The portions of the Township of Brantford described as follows:

FIRSTLY, part of the Township of Brantford, commencing at a point in the northerly boundary of the City of Brantford and the westerly limit of Lot 28 in Concession II of the Township of Brantford;

THENCE northerly along the westerly limit of the said Lot 28 to the northerly limit of the said Lot 28, Concession II;

THENCE easterly along the northerly limits of Lots 28 to 33 inclusive in Concession II, to the easterly limit of said Lot 33 in the said Concession II;

THENCE southerly along the easterly limit of Lot 33 and thereafter following the boundaries between the Township of Brantford and the City of Brantford to the point of commencement;

SECONDLY, part of the Township of Brantford, commencing at the intersection of the westerly boundary of the City of Brantford and the centre line of the King's Highway No. 403;

THENCE westerly along the centre line of the said Highway No. 403 to the left bank of the Grand River facing downstream;

THENCE southeasterly along the said left bank of the Grand River to the westerly boundary of the City of Brantford;

THENCE northerly along the westerly boundary of the City of Brantford to the point of commencement;

THIRDLY, part of the Township of Brantford, commencing at the southwest-erly angle of Lot 42 in Concession II of the said Township;

THENCE easterly along the northerly limit of the road allowance between Concessions II and III to the easterly limit of the road allowance between Lots 42 and 43 in the said Township;

THENCE southerly along the easterly limit of the road allowance between Lots 42 and 43 to the northerly limit of the right of way of the Canadian National Railway;

THENCE westerly and northerly following the boundaries between the City of Brantford and the Township of Brantford to the point of commencement;

FOURTHLY, part of the Township of Brantford commencing at the inter-section of the southerly boundary of the City of Brantford and the easterly limit of the right-of-way of the abandoned Lake Erie and Northern Railway;

THENCE southerly along the said eastern limit to the most westerly angle of a parcel of land designated as Part I on a Reference Plan deposited in the Land Registry Office for the Registry Division of Brant (No. 2) as Plan 2R-399;

THENCE north 63° 11' 45" west along the south western limit of the lands described in Registered Instrument Number A163668, a distance of 1,634.493 metres to the southeasterly limit of Shellard Lane;

THENCE south $50^{\circ} 35'$ west along the southeasterly limit of Shellard Lane 110.96 metres to the southeasterly production of the southerly limit of the lands described in Registered Instrument Number A37439 for the Township of Brantford;

THENCE westerly to and along the southerly limit of the lands of the said Ontario Water Resources to the easterly angle of the lands of the Ontario Water Resources described in Registered Instrument Number A37389;

THENCE southwesterly and northwesterly along the southerly limits of the last mentioned lands to the southeasterly limit of Block 4 in the Kerr Tract in the Township of Brantford;

THENCE southwesterly along the southeasterly limit of the said Block 4 to the northeasterly limit of the lands of A. and M. House described in Registered Instrument Number A125471;

THENCE northwesterly along the northeasterly limit of the said lands of A. and M. House and the northwesterly prolongation thereof to the northwesterly limit of the right-of-way of the Canadian National Railway;

THENCE northeasterly along the northwesterly limit of the said Railway right-of-way to the westerly limit of the lands of Bruce Patterson described in Registered Instrument Number 39657;

THENCE northerly along the westerly limit of the lands of Bruce Patterson and the northerly prolongation thereof to the centre line of the King's Highway No. 53;

THENCE easterly along the centre line of the said Highway No. 53 to the westerly boundary of the City of Brantford;

THENCE southeasterly along the boundaries between the City of Brantford and the Township of Brantford to the point of commencement;

FIFTHLY, part of the Township of Brantford, commencing at the intersection of the easterly limit of Johnson Road and the southerly limit of the King's Highway No. 403;

THENCE easterly along the southerly limit of the said Highway No. 403 to the southerly limit of the right-of-way of the Toronto, Hamilton and Buffalo Railway;

THENCE westerly along the southerly limit of the said Railway right-of-way to the northerly prolongation of the easterly limit of Lot 15 as shown on Registered Plan No. 29;

THENCE southerly to and along the easterly limit of the said Lot 15 to the southeasterly angle of the said Lot 15;

THENCE southerly along the southerly prolongation of the easterly limit of the said Lot 15 to the middle of the main channel of the Grand River;

THENCE westerly along the middle of the said channel to the southeasterly angle of the City of Brantford;

THENCE northeasterly following along the boundaries between the City of Brantford and the Township of Brantford to the point of commencement;

SIXTHLY, part of Lots 26 and 27 in Concession II of the said Township of Brantford which, premising that all bearings herein are astronomic and referred to the bearing of the southern limit of the northern half of the said Lots being N. $77^{\circ} 13' 30''$ E. shown on a Reference Plan deposited in the Land Registry Office for the

Registry Division of Brant (No. 2) as Plan 2R-1324, more particularly described as follows:

COMMENCING at the southeasterly angle of the north half of Lot 27 in Concession II of the Township of Brantford;

THENCE south $77^{\circ} 13' 30''$ west along the southerly limit of the north half of Lots 27 and 26 a distance of 811.338 metres to the southwesterly angle of the north half of Lot 26;

THENCE north $16^{\circ} 06'$ west along the said Lot a distance of 256.770 metres;

THENCE north $77^{\circ} 13' 30''$ east 403.665 metres to a point in the western limit of the said Lot 27;

THENCE north $15^{\circ} 55' 30''$ west 100 metres to a point;

THENCE north $77^{\circ} 13' 30''$ east 90 metres to a point;

THENCE north $49^{\circ} 51' 20''$ east 169.588 metres to a point;

THENCE north $77^{\circ} 13' 30''$ east 160.078 metres to a point in the easterly limit of the said Lot 27;

THENCE south $16^{\circ} 21' 50''$ east along the easterly limit of the said Lot, a distance of 435 metres to the point of commencement.

SCHEDULE B

AREAS TO BE ANNEXED TO THE CITY OF BRANTFORD ON THE 1ST DAY OF JANUARY, 1996

The portion of the Township of Brantford described as follows:

COMMENCING at the intersection of the left bank of the Grand River facing downstream and the centre line of the King's Highway No. 403;

THENCE easterly along the centre line of the said Highway No. 403 to the northeasterly limit of the right-of-way of the Canadian National Railway;

THENCE northwesterly along the northeasterly limit of the said Railway right-of-way to intersect a line parallel with and distant 45.720 metres measured southerly at right angles from the northerly limit of Concession II in the Township of Brantford;

THENCE westerly along the said parallel line to the easterly limit of Lot 18 in the said Concession II;

THENCE southerly along the easterly limit of Lot 18 to intersect a line parallel with and distant 121.920 metres measured southerly at right angles from the northerly limit of the said Concession II;

THENCE westerly along the said parallel line to the left bank of the Grand River facing downstream;

THENCE southerly along the said left bank to the point of commencement.

SCHEDULE C

RESTRICTED TO AGRICULTURE AND RELATED USES AREA

That part of the Township of Brantford commencing at the northwest angle of Lot 24, Concession I;

THENCE easterly along the south limit of Highways No. 5 and 99 to the middle line of Fairchilds Creek in Lot 46, Concession I;

THENCE following the middle line of Fairchilds Creek downstream through all its turnings to the boundary between the Township of Brantford and the Township of Onondaga;

THENCE westerly following said boundary to a point on the south limit of Old Onondaga Road, said point being on a line drawn at right angles to Old Onondaga Road and intersecting the north limit of Old Onondaga Road and its intersection with the west limit of an unnamed road allowance extending northerly into the John Westbrook Grant from Old Onondaga Road;

THENCE northerly at right angles from Old Onondaga Road to the point of intersection of the unnamed road allowance and the north limit of Old Onondaga Road;

THENCE north 10 degrees east 122.53 metres to a point;

THENCE south 77 degrees 23 minutes east 96.50 metres to a point;

THENCE north 26 degrees 45 minutes east 282.21 metres to a point;

THENCE north 62 degrees 48 minutes west 251.49 metres to a point;

THENCE north 63 degrees 40 minutes west 249.372 metres to a point;

THENCE north 64 degrees 6 minutes west 39.11 metres to a point;

THENCE north 25 degrees 54 minutes east to a point on the limit of the Grand River Conservation Authority flood plain for Fairchilds Creek;

THENCE following said limit northeasterly to its point of intersection with the west limit of the Brant School Road;

THENCE northwesterly following the west limit of Brant School Road and its projection to the north side of the King's Highway No. 2;

THENCE easterly following the north limit of the said Highway No. 2 to the southwest angle of the Township Cemetery Plot in the Daniel Hawley Tract;

THENCE north following the west limit of the Township Cemetery Plot to the middle line of Fairchilds Creek;

THENCE following the middle line of Fairchilds Creek upstream to a point distant 121.92 metres measured northerly at right angles from the northerly limit of Highway No. 2;

THENCE westerly parallel with the north limit of Highway No. 2 to a point distant 121.92 metres easterly from the east limit of Papple Road;

THENCE northerly parallel to Papple Road to the south limit of the Toronto, Hamilton and Buffalo Railway;

THENCE southwesterly along the south limit of the said Railway to its point of intersection with the west limit of the King's Highway No. 403;

THENCE following the west limit of the said Highway No. 403 and also the existing City boundary and its extension to the north limit of Lynden Road;

THENCE westerly along the north limit of Lynden Road to the southwest angle of Lot 42, Concession II, being the existing City boundary;

THENCE following the existing City boundary to the south limit of Powerline Road;

THENCE westerly along the south limit of Powerline Road to a point distant 79.86 metres east of the eastern boundary of Francis Street;

THENCE northerly at right angles 117.65 metres to a point;

THENCE westerly parallel with the north limit of Powerline Road to a point distant 91.44 metres measured easterly at right angles from the east limit of the King's Highway No. 24;

THENCE northerly parallel with Highway No. 24 to a point, said point being drawn on a line at right angles from the said Highway No. 24 and measured 620.77 metres northerly along the centreline of said road from the south limit of Powerline Road;

THENCE westerly at right angles from the said Highway No. 24, 91.44 metres to the east limit of the said Highway;

THENCE southerly along the easterly limit of the said Highway to the south limit of Powerline Road;

THENCE westerly following the south limit of Powerline Road to the northeast angle of Lot 27, Concession II;

THENCE south $16^{\circ} 21' 50''$ east along the easterly limit of Lot 27 to a point distant 435 metres measured northerly therealong from the southeasterly angle of the north half of the said Lot;

THENCE south $77^{\circ} 13' 30''$ west 160.078 metres to a point;

THENCE south $49^{\circ} 51' 20''$ west 169.588 metres to a point;

THENCE south $77^{\circ} 13' 30''$ west 90 metres to the westerly limit of Lot 27;

THENCE south $15^{\circ} 55' 30''$ east along the said westerly limit 100 metres to a point;

THENCE south $77^{\circ} 13' 30''$ west 403.665 metres to the westerly limit of Lot 26 in the said Concession II;

THENCE south $16^{\circ} 06'$ east along the westerly limit of the said Lot, 256.77 metres to the southwesterly angle of the north half of the said Lot 26;

THENCE southerly along the west limit of Lot 26 to the centre line of the King's Highway No. 403;

THENCE westerly along the centre line of the said Highway 403 to the north limit of the Canadian National Railway line;

THENCE northwesterly along the northerly limit of the said Railway to a line parallel with and distant 45.72 metres measured southerly at right angles from the southerly limit of Powerline Road;

THENCE westerly and parallel with the southerly limit of Powerline Road to a point on the westerly limit of Oak Park Road;

THENCE southerly along the westerly limit of Oak Park Road 76.20 metres to a point;

THENCE westerly parallel with the southerly limit of Powerline Road to the left bank of the Grand River facing downstream;

THENCE following the said left bank of the Grand River facing downstream through its various turnings to the existing City boundary and following the said boundary to a point that lies on the extension of the limit between Blocks 2 and 3 in the Kerr Tract, also being the existing City boundary;

THENCE following the existing City boundary southerly and westerly and continuing along the middle line of Oak Hill Drive to the southerly extension of the east limit of Jennings Road;

THENCE northerly along the east limit of Jennings Road to a point lying on the mid line of Concession IV;

THENCE westerly following the centre line of Concession IV to a point on the west limit of the Airport lands owned by the City of Brantford;

THENCE southerly along the west limit of the Airport lands and its extension to a point 121.92 metres south of the south limit of the King's Highway No. 53;

THENCE easterly parallel with Highway No. 53 to a point on the centre line in Lot 15, Concession V;

THENCE southerly parallel with the west limit of Lot 15 to a point on the northerly limit of Block 1 in the Kerr Tract;

THENCE easterly following the north limit of the Kerr Tract to the southeast angle of Lot 16, Concession V;

THENCE northerly along the east limit of Lot 16, Concession V to a point in the southerly limit of the King's Highway No. 53;

THENCE easterly along the southerly limit of the said Highway No. 53 to the westerly limit of Pleasant Ridge Road;

THENCE southerly along the west limit of Pleasant Ridge Road to the southerly limit of the Canadian National Railway right-of-way;

THENCE northeasterly along the southeasterly limit of the said Railway to the northeasterly limit of the lands of A. and M. House described in Registered Instrument Number A125471;

THENCE southeasterly along the northeasterly limit of the said lands to the northwesterly limit of Block 5 in the Kerr Tract;

THENCE northeasterly along the northwesterly limit of the said Block 5 to the westerly angle of the lands of the Ontario Water Resources described in Registered Instrument Number A37389;

THENCE southeasterly along the southwesterly limit of the Ontario Water Resources described in Instrument numbers A37389 and A37439 to the northwesterly limit of Shellard Lane;

THENCE south 39° 25' east to the southeasterly limit of Shellard Lane;

THENCE north $50^{\circ} 35'$ east along the said southeasterly limit to the westerly angle of lands described in Registered Instrument Number A163668;

THENCE south $63^{\circ} 11' 45''$ east along the southwesterly limit of the said lands 1,634.493 metres to the easterly limit of the lands of the Lake Erie and Northern Railway;

THENCE following the east limit of said railway to the easterly limit of Conklin Road;

THENCE southerly following the easterly limit of Conklin Road to the southerly limit of Mt. Pleasant Road;

THENCE easterly along the southerly limit of Mt. Pleasant Road 244.75 metres to a point;

THENCE south 37 degrees 41 minutes east 489.45 metres to a point;

THENCE easterly in a straight line to the southwest angle of Registered Plan 966;

THENCE easterly following the southerly limit of said plan to the southeast angle of Registered Plan 966;

THENCE northerly following the easterly limit of said plan and its extension to the middle line of the Grand River;

THENCE following the middle line of the Grand River downstream through all its turnings to a point distant 152.4 metres measured southerly at right angles from the southerly limit of Blossom Avenue;

THENCE following a line parallel with and distant 152.4 metres from the southerly limit of Blossom Avenue and its proposed extension from Mt. Pleasant Road to Pleasant Ridge Road to a point on the westerly limit of Pleasant Ridge Road;

THENCE following a line parallel with and distant 152.4 metres from the southerly limit of Arthur Road to a point on the east limit of the King's Highway No. 24;

THENCE northerly following the easterly limit of the said Highway No. 24 to the northerly limit of Robinson Road;

THENCE easterly along the northerly limit of Robinson Road to the easterly limit of Pottruff Road;

THENCE northerly along the easterly limit of Pottruff Road to the southerly limit of Powerline Road;

THENCE easterly following the south limit of Powerline Road to the southwest angle of Lot 24, Concession I;

THENCE northerly along the west limit of Lot 24 to the point of commencement.

SAVING AND EXCEPTING all those lands described as Lot 22 in Registered Plan 594.

SCHEDULE D

MUTUAL PLANNING ADVISORY COMMITTEE AREA

a) NORTH

COMMENCING at the northeast angle of Lot 40, Concession II;

THENCE westerly along the south side of Powerline Road to a point 79.86 metres easterly of the easterly limit of Francis Street;

THENCE northerly at right angles 117.65 metres to a point;

THENCE westerly parallel with the north limit of Powerline Road to a point distant 91.44 metres from the easterly limit of the King's Highway No. 24;

THENCE northerly and parallel with the said Highway No. 24 to a point, the said point being drawn on a line at right angles from the said Highway No. 24 distant 620.27 metres measured northerly from the centreline of said road from the south limit of Powerline Road;

THENCE westerly at right angles from the said Highway No. 24, 91.44 metres to the easterly limit of said Highway;

THENCE southerly along said easterly limit to the southerly limit of Powerline Road;

THENCE westerly following the southerly limit of Powerline Road to the northwest angle of Lot 28 in Concession II;

THENCE south $16^{\circ} 21' 50''$ east along the easterly limit of Lot 27 to a point distant 435.00 metres measured northerly therealong from the southeasterly angle of the north half of the said Lot;

THENCE south $77^{\circ} 13' 30''$ west 160.078 metres to a point;

THENCE south $49^{\circ} 51' 20''$ west 169.588 metres to a point;

THENCE south $77^{\circ} 13' 30''$ west 90.00 metres to the westerly limit of Lot 27;

THENCE south $15^{\circ} 55' 30''$ east along the said westerly limit 100.00 metres to a point;

THENCE south $77^{\circ} 13' 30''$ west 403.665 metres to the westerly limit of Lot 26 in the said Concession II;

THENCE south $16^{\circ} 06'$ east along the westerly limit of the said Lot, 256.77 metres to the southwesterly angle of the north half of the said Lot 26;

THENCE easterly to the southeast angle of the north half of Lot 28 in Concession II;

THENCE easterly following the existing City boundary to a point distant 336.71 metres more or less west of the western limit of the King's Highway No. 24 as widened;

THENCE southerly and parallel with the westerly limit of Lot 30 in Concession II, 314.0 metres more or less to a point;

THENCE easterly on a bearing of north 77 degrees 00 minutes east 140.74 metres to a point;

THENCE northerly on a bearing of north 15 degrees 39 minutes west 60.56 metres to a point;

THENCE easterly on a bearing of north 76 degrees 53 minutes east 100.22 metres to a point;

THENCE northerly on a bearing of north 14 degrees 25 minutes west 19.93 metres to a point;

THENCE easterly on a bearing of north 77 degrees 4 minutes east 95.28 metres more or less to a point on the westerly limit of the said Highway No. 24 as widened, said point being in the boundary between the City of Brantford and the Township of Brantford;

THENCE southerly and easterly following the existing City Boundary along its various courses and distances to its point of intersection with the southeasterly angle of the Rosewood Garden Subdivision Plan being the southeasterly angle of Lot 10, Registered Plan 1521;

THENCE following the former City-Township boundary prior to the 1974 annexation to its point of intersection with the existing City boundary (Garden Avenue);

THENCE continuing southerly along the existing boundary to its point of intersection with the centreline of the Grand River;

THENCE along the middle line of the Grand River downstream to its point of intersection with the boundary between the Township of Onondaga and the Township of Brantford;

THENCE following said boundary through its various courses and distances to a point on the south limit of Old Onondaga Road, said point being on a line drawn at right angles from Old Onondaga Road and intersecting the northerly limit of Old Onondaga Road and its intersection with the westerly limit of an unnamed road allowance extending northerly into the John Westbrook Grant from the Old Onondaga Road;

THENCE northerly at right angles from the Old Onondaga Road to the point of intersection of the unnamed road allowance and the northerly limit of Old Onondaga Road;

THENCE north 10 degrees east 122.53 metres to a point;

THENCE south 77 degrees 23 minutes east 96.50 metres to a point;

THENCE north 26 degrees 45 minutes east 282.21 metres to a point;

THENCE north 62 degrees 48 minutes west 251.49 metres to a point;

THENCE north 63 degrees 40 minutes west 249.37 metres to a point;

THENCE north 64 degrees 6 minutes west 39.11 metres to a point;

THENCE north 25 degrees 54 minutes east to a point on the limit of the Grand River Conservation Authority Flood Plain for Fairchilds Creek;

THENCE following said limit northeasterly to its point of intersection with the westerly limit of Brant School Road;

THENCE following the westerly limit of Brant School Road and its projection to the north side of the King's Highway No. 2;

THENCE easterly following the north limit of the said Highway No. 2 to the southwest angle of the Township Cemetery Plot in the Daniel Hawley Tract;

THENCE north following the west limit of the Township Cemetery Plot to the middle line of Fairchilds Creek;

THENCE following the middle line of Fairchilds Creek upstream to a point distant 121.92 metres measured northerly at right angles from the northerly limit of the said Highway No. 2;

THENCE westerly parallel to the north limit of King's Highway No. 2 to a point distant 121.92 metres easterly from the easterly limit of Papple Road;

THENCE northerly parallel to Papple Road to the south limit of the Toronto, Hamilton and Buffalo Railway;

THENCE southwesterly along the southerly limit of the said Railway to the westerly limit of the King's Highway No. 403;

THENCE following the west limit of the said Highway 403 and also the existing City boundary and its extension to the north limit of Lynden Road;

THENCE westerly along the northerly limit of Lynden Road to the existing City boundary;

THENCE following said boundary to the point of commencement.

b) NORTHWEST

COMMENCING at the intersection of a line between Lots 25 and 26 in Concession II and the centre line of the King's Highway No. 403;

THENCE westerly along the centre line of the said Highway No. 403 to the northerly limit of the Canadian National Railway right-of-way;

THENCE northwesterly along the northerly limit of the said Canadian National Railway to its point of intersection with a line drawn at right angles from the south limit of Powerline Road and distant 45.72 metres measured east-westerly therefrom;

THENCE westerly and parallel to the south limit of Powerline Road to a point on the west limit of Oak Park Road;

THENCE southerly along the west limit of Oak Park Road 76.2 metres to a point;

THENCE westerly parallel with the southerly limit of Powerline Road to the left bank of the Grand River facing downstream;

THENCE following the left bank of the Grand River downstream through its various turnings to its point of intersection with the existing City boundary being also the limit between Lots 25 and 26 in Concession III;

THENCE northerly along said boundary to the point of commencement.

c) SOUTHWEST

COMMENCING at a point in the mid line of the Grand River and its intersection with the extension of the limit between Blocks 2 and 3 in the Kerr Tract, also being the existing City boundary;

THENCE following the existing City boundary southerly and westerly and continuing along the middle line of Oak Hill Drive to the southerly extension of the east limit of Jennings Road;

THENCE northerly along the east limit of Jennings Road to a point lying on the mid line of Concession IV;

THENCE westerly following the centre line of Concession IV to a point on the west limit of the Airport lands owned by the City of Brantford;

THENCE southerly along the west limit of the Airport lands and its extension to a point 121.92 metres south of the south limit of the King's Highway No. 53;

THENCE easterly parallel with Highway No. 53 to a point on the centre line in Lot 15, Concession V;

THENCE southerly parallel with the west limit of Lot 15 to a point on the northerly limit of Block 1 in the Kerr Tract;

THENCE easterly following the north limit of the Kerr Tract to the southeast angle of Lot 16, Concession V;

THENCE northerly along the east limit of Lot 16, Concession V to a point in the southerly limit of the King's Highway No. 53;

THENCE easterly along the southerly limit of the said Highway No. 53 to the westerly limit of Pleasant Ridge Road;

THENCE southerly along the west limit of Pleasant Ridge Road to the southerly limit of the Canadian National Railway right-of-way;

THENCE northeasterly along the southeasterly limit of the said Railway to northeasterly limit of the lands of A. and M. House described in Registered Instrument Number A125471;

THENCE southeasterly along the northeasterly limit of the said lands to the northwesterly limit of Block 5 in the Kerr Tract;

THENCE northeasterly along the northwesterly limit of the said Block 5 to the westerly angle of the lands of the Ontario Water Resources described in Registered Instrument Number A37389;

THENCE southeasterly along the southwesterly limit of the Ontario Water Resources described in Instrument Number A37389 and A37439 to the northwesterly limit of Shellard Lane;

THENCE south 39° 25' east to the southeasterly limit of Shellard Lane;

THENCE north 50° 35' east along the said southeasterly limit to the westerly angle of lands described in Registered Instrument Number A163668;

THENCE south 63° 11' 45" east along the southwesterly limit of the said lands 1,634.493 metres to the easterly limit of the lands of the Lake Erie and Northern Railway;

THENCE following the easterly limit of said railway to its point of intersection with the easterly limit of Conklin Road;

THENCE southerly following the east limit of Conklin Road to the southerly limit of Mt. Pleasant Road;

THENCE easterly along the southerly limit of Mt. Pleasant Road 244.75 metres to a point;

THENCE south 37 degrees 41 minutes east 489.45 metres to a point;

THENCE easterly in a straight line to the southwest angle of Registered Plan 966;

THENCE easterly following the southern limit of said plan to the southeast angle of Registered Plan 966;

THENCE northerly following the east limit of said plan and its extension to the middle line of the Grand River;

THENCE following the existing City boundary to the north limit of Bell Lane;

THENCE northwesterly in a straight line to the point of intersection of the Canadian National Railway right-of-way and Colborne Street West;

THENCE due north to the middle line of the Grand River;

THENCE following the middle line of the Grand River upstream to the point of commencement.

And together with all those lands described as Lot 22 in Registered Plan 594.

BILL 120

An Act respecting
the City of Brantford, the Township
of Brantford and the County of Brant

1st Reading

June 12th, 1980

2nd Reading

3rd Reading

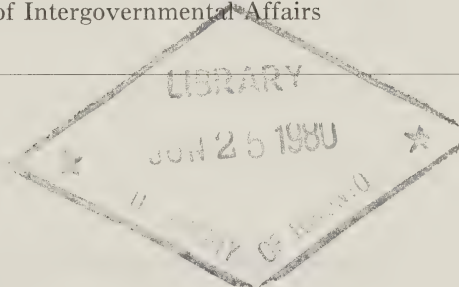
THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act respecting the City of Brantford, the Township of
Brantford and the County of Brant

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



(Reprinted as amended by the General Government Committee)

EXPLANATORY NOTES

The purpose of this Bill is to provide for the annexation of the lands referred to in sections 2 and 7 of the Bill to the City of Brantford under an agreement reached by the councils of the City of Brantford, the Township of Brantford and the County of Brant.

SECTION 1. Self-explanatory.

SECTION 2. This section provides for the annexation of lands in 1981, 1991 and 1996.

BILL 120

1980

An Act respecting the City of Brantford, the Township of Brantford and the County of Brant

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “annexed area” means the lands annexed to the City of Brantford under subsection 1 of section 2;
- (b) “City” means The Corporation of the City of Brantford;
- (c) “County” means The Corporation of the County of Brant;
- (d) “Minister” means the Minister of Intergovernmental Affairs;
- (e) “Municipal Board” means the Ontario Municipal Board;
- (f) “Township” means The Corporation of the Township of Brantford.

2.—(1) On the 1st day of January, 1981, the portions of the Township described in Schedule A are annexed to the City. Annexation

(2) On the 1st day of January, 1991, the portions of the Township being composed of approximately 50 acres in Lot 18, Concession II north of and contiguous to Highway 403 and approximately 50 acres in Lot 19, Concession II north of and contiguous to Highway 403, or such other lands as the City and Township may agree upon, as described by an order of the Lieutenant Governor in Council to be made in the year 1990, are annexed to the City. Subsequent
annexation

(3) The determination of the lands to be annexed under subsection 2 shall be made jointly by agreement among the City, the Agreement

County and the Township by the 1st day of July, 1990, and, following such agreement, the Lieutenant Governor in Council shall, by order, annex the lands agreed upon by the City, the Township and the County.

Order in
council

(4) If the City, the Township and the County are unable to agree on the lands to be annexed under subsection 2, the Lieutenant Governor in Council shall, by order, annex such lands to the City as the Lieutenant Governor in Council may consider appropriate.

Subsequent
annexation

(5) On the 1st day of January, 1996, the portions of the Township described in Schedule B not previously annexed under subsection 2, are annexed to the City.

Application of
R.S.O. 1970,
c. 284,
ss. 5, 336

3.—(1) Sections 5 and 336 of *The Municipal Act* apply to the City in respect of the lands described in Schedule B.

Roads and
water

(2) On and after the 1st day of January, 1991, the City may provide roads, piped water and sewer services to the lands to be annexed to the City under subsection 5 of section 2.

Limitation

(3) Subject to subsection 2, the City may not extend piped water or sewer services beyond its boundaries without the consent of the Township or unless so ordered by the Province of Ontario under any general Act.

Official
plan
designations

4.—(1) The portions of the Township described in Schedule C shall be designated by the Township in its official plan, and in subsequent amendments thereto, so as to ensure the preservation of farmland, the provision of a municipal water supply and the development of mineral resource extraction and for uses related to agriculture and mineral resource extraction.

Official
plan
amendments

(2) The Township shall prepare and, subject to the agreement of the City and the County, shall adopt and submit to the Minister of Housing an amendment to its official plan for the area referred to in subsection 1 by the 1st day of September, 1980.

Idem

(3) The Township, subject to the agreement of the City and the County, and the City, subject to the agreement of the Township and the County, shall prepare, adopt and submit to the Minister of Housing by the 1st day of September, 1980 amendments to their official plans for the portions of the area described in Schedule D under their respective jurisdictions.

Idem

(4) The Township shall prepare, in consultation with the City and County, and shall adopt and submit, after consultation with the City and County, to the Minister of Housing in accordance with *The Planning Act* by the 1st day of September, 1981 an

R.S.O. 1970,
c. 349

SECTION 3. This section enables the City to provide municipal services to the lands that will be annexed in 1991 and 1996.

SECTION 4. This section requires that amendments be made to the official plan of the Township. Under subsection 1, the lands in the Township adjacent to the annexed area and described in Schedule C will be designated in the official plan for rural uses.

The area described in Schedule D is a joint planning area of the City and the Township and the official plans of the City and the Township in respect thereof are to be prepared subject to the agreement of the City, the Township and the County. The official plan for the remainder of the Township is to be amended in consultation with the City and the County.

The official plan amendments for the areas described in Schedules C and D will be submitted to a hearing officer for a public hearing following which the recommendation of the hearing officer and recommendation of the Minister of Housing will be submitted to the Lieutenant Governor in Council who will approve the appropriate official plan amendments. The official plan amendments for the remainder of the Township may be approved under *The Planning Act* or at the request of the Township and with the concurrence of the Minister of Housing may be submitted to a hearing officer, in which case the procedures respecting the areas described in Schedules C and D will apply.

amendment to its official plan for the portions of the Township not described in Schedules C and D.

(5) The City, the Township and the County may appoint one or more arbitrators to decide the detailed definition of land uses in the official plan amendments to be submitted in accordance with subsections 2 and 3. Arbitration

(6) If the City, the Township and the County cannot agree on the detailed definition of land uses referred to in subsection 5 or are unable to agree on the appointment of an arbitrator or arbitrators, the Minister of Housing shall appoint a hearing officer under subsection 7. Idem

(7) The Minister of Housing shall appoint one or more hearing officers to hear representations and make recommendations, having regard to the objective referred to in subsection 1, concerning the proposed designations for the areas included in the official plan amendments to be submitted in accordance with subsections 2 and 3, and the Minister of Housing may, upon the request of the Township and if he considers it appropriate, appoint one or more hearing officers to hear representations and make recommendations concerning the proposed designations for the areas included in the official plan amendment submitted in accordance with subsection 4, and, following a hearing under rules of procedure adopted by the hearing officer or officers, the recommendations of the hearing officer or officers shall be made to the Minister of Housing concerning the proposed official plan or plans and copies of the recommendations shall be filed with the clerks of the City, the Township and the County and public notice of such filing shall be given by the clerk of each municipality. Hearing officers

(8) Following the recommendations of the hearing officer or officers, the Minister of Housing shall make a recommendation to the Lieutenant Governor in Council as to whether the report of the hearing officer be approved, rejected or varied, and if the recommendation of the Minister of Housing to the Lieutenant Governor in Council is other than that the report of the hearing officer be approved, then the Minister of Housing shall give public notice to this effect, state his intentions and a period of twenty-one days shall be allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council. Approval of recommendations

(9) Where the Minister of Housing makes a recommendation under subsection 8 respecting the areas referred to in subsections 2 and 3, he shall have regard to the objective set out in subsection 1. Objective to be considered

(10) The City, the Township and the County shall not make representations under subsections 7 and 8 that are contrary to an agreement under subsection 1 or 3, or that are contrary to the decision of an arbitrator under subsection 5. Estoppel

Approval
of official
plans

(11) The Lieutenant Governor in Council having regard to the objective set out in subsection 1 may, by order, approve the proposed amendments to the official plans or may approve them with such modifications as the Lieutenant Governor in Council, following consultation with the municipalities, considers desirable, and thereupon the official plans, as amended, are, for the purposes of every Act, the official plans for the municipalities and portions of municipalities affected thereby.

Mutual
Planning
Advisory
Committee

(12) The City, the Township and the County shall establish a consultative body, to be known as the "Mutual Planning Advisory Committee", to advise the municipalities on planning matters in the portions of the Township and City described in Schedule D.

Amendment-
to official
plan

R.S.O. 1970,
c. 349

(13) After the approval of the official plan amendments by the Lieutenant Governor in Council under subsection 11 with respect to the lands described in Schedule C, amendments may be made to the official plan of the Township in accordance with *The Planning Act* to provide for any land use designation with respect to the said lands, but no amendment may be made that provides for land use designations other than those referred to in subsection 1 unless the City, the Township and the County agree to the proposed land use designations.

City's power
to apply to
O.M.B. for
annexations
restricted

5.—(1) The City shall not apply to the Municipal Board for the annexation of any lands in the Township before the 1st day of January, 2004 unless the Township agrees to such annexation.

Exceptions

(2) Notwithstanding subsection 1 but subject to subsection 4, the City may apply to the Municipal Board at any time to annex,

(a) lands within the area described in Schedule C or D, other than lands that are the subject of an agreement under clause *c* of subsection 2 of section 8, to which the Township requests that the City extend piped water or sewer services or to which the Province of Ontario under any general Act requires the City to extend such services;

(b) lands within the area described in Schedule C or D,

(i) for which a draft plan of subdivision to which the Minister of Housing has given approval or draft approval under section 33 of *The Planning Act*, or

(ii) in respect of which a restricted area by-law or by-law amendment which takes effect under section 35 of *The Planning Act* or an approval granted by the Township or a local board thereof,

SECTION 5. This section restricts the City's power to annex lands.

SECTION 6. This section provides for the election of the councils and the public utilities commissions of the City and Township, The Brant County Board of Education and The Brant County Separate School Board.

permits development exceeding that provided for in the official plan amendments submitted under subsections 2 and 3 of section 4 by any of the following,

- (iii) residential development, other than farm dwellings, consisting of more than twenty adjacent or proximate dwelling units, or development consisting of more than twenty adjacent or proximate residential lots created as a result of consents under section 29 of *The Planning Act* or by a plan or plans of subdivision under section 33 of *The Planning Act*,
- (iv) commercial development of a total of more than 930 square metres of gross floor area on one parcel of land or on two or more adjacent parcels,
- (v) industrial development on a total of more than four hectares of land capable of being utilized for industrial purposes on one parcel of land or on two or more adjacent parcels; and
- (c) such other lands lying between lands annexed under this subsection and the closest logical boundary of the City that, in the opinion of the Municipal Board, are required to provide an appropriate boundary between the City and the Township.

R.S.O. 1970,
c. 349

(3) The County and the Township shall not oppose any annexation application made under clause *a* of subsection 2.

Opposition by
County and
Township
prohibited

(4) The City, the Township and the County may from time to time agree that no application may be made under subsection 2 during the period set out in the agreement with respect to lands described therein and the City shall not apply to the Municipal Board during any such period to annex the described lands.

Agreements
not to
annex
lands

6.—(1) For the term of office beginning on the 1st day of December, 1980, the council of the City shall be composed of a mayor who shall be elected by general vote of the electors of the City and shall be the head of the council, and eleven members elected by wards.

Composition
of City
council

(2) Subject to subsection 4, for the term of office beginning on the 1st day of December, 1982 and for subsequent terms of office, the council of the City shall be composed of a mayor who shall be elected by general vote of the electors of the City and who shall be the head of the council, and such number of members elected by wards as the Minister by order determines, following representations by the City as to the composition of council.

Idem

Elections in
1980 and 1982

(3) For the purposes of the elections in the years 1980 and 1982, the Minister may, by order, divide the City and annexed area into wards and make provision for the respective number of members of the council and the public utilities commission of the City to be elected in the respective wards, and the wards provided for the elections in the year 1982 shall remain in effect until altered by the Municipal Board.

Idem
1977, c. 62

(4) Notwithstanding *The Municipal Elections Act, 1977*, the Minister may, by order, provide for the holding of the election in the year 1980 of the members of the councils of the City and the Township, The Public Utilities Commission of the City of Brantford, the Hydro-Electric Commission of the Township of Brantford, The Brant County Board of Education and The Brant County Separate School Board, including nominations, polling days, qualifications of electors, polling places, the appointment of returning officers, preparation of polling lists, the terms of office of the members and any other matters considered necessary in respect of the election.

Application of
R.S.O. 1970,
c. 284, s. 28

(5) If the wards provided for the elections in the year 1982 are altered by the Municipal Board, the council of the City shall be composed in accordance with section 28 of *The Municipal Act*.

Public
Utilities
Commission
1944, c. 72
R.S.O. 1970,
c. 390

(6) Notwithstanding *The City of Brantford Act, 1944* and section 42 of *The Public Utilities Act*, for the term of office beginning the 1st day of December, 1980, The Public Utilities Commission of the City of Brantford shall be composed of the mayor of the City and six members, elected by wards.

Idem

(7) For the term of office beginning the 1st day of December, 1982, the Minister may, by order, following representations by the City and The Public Utilities Commission of the City of Brantford as to the composition of the Commission, determine the composition of the Commission and the composition of the Commission continues as set out in the order until such time as the council of the City, by by-law, provides that *The City of Brantford Act, 1944* shall apply.

1944, c. 72

Transportation
and service
corridor

7.—(1) The City, the Township and the County may by agreement make recommendations with respect to, and the Lieutenant Governor in Council shall, by order, do whatever the Lieutenant Governor in Council considers necessary for, the provision of a transportation and service corridor to link the portion of the annexed area lying to the north-west of the City with the portion of the annexed area lying to the south-west of the City, and, notwithstanding the generality of the foregoing, may authorize the City to acquire any lands that the Lieutenant Governor in Council considers necessary for such purpose.

SECTION 7. This section provides for the establishment of a transportation and service corridor to link areas annexed to the City. The section also provides for the annexation of lands that are considered appropriate in connection with the corridor.

SECTION 8. This section provides for various cost-sharing agreements respecting the matters set out in the section.

(2) The City, the Township and the County may appoint one or more arbitrators to make recommendations concerning the limits of the corridor referred to in subsection 1 and the desirability of annexing the area or any part thereof to the City. Arbitration

(3) If the City, the Township and the County are unable to agree on the matters referred to in subsections 1 and 2 or are unable to agree on the appointment of an arbitrator or arbitrators by the 30th day of September, 1981, the Minister shall appoint one or more arbitrators to assist in the resolution of the issues that have not been resolved. Idem

(4) The Lieutenant Governor in Council may, by order, annex any or all of the corridor area to the City. Orders in council

(5) The Lieutenant Governor in Council shall, by order, annex to the City such area as is agreed upon by the City, the Township and the County under this section. Idem

(6) Before an order is made under subsection 4, the Minister shall cause public notice to be given and a period of twenty-one days shall be allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council. Public notice

(7) The Lieutenant Governor in Council may, by order, alter the boundaries of the lands described in Schedules C and D to conform with the limits of the corridor area. Amendment of Schedules

8.—(1) The City and the County may enter into agreements to determine the municipal contributions to the Brantford Suburban Roads Commission and the sharing of costs in respect of suburban roads, the Brant Planning Board, the Children's Aid Society of Brant, homes-for-the-aged, rescue truck services, assisted housing, general welfare, hospital debt, health, emergency measures and a fire radio alarm system. Cost sharing agreements

(2) The City and the Township may enter into agreements to, Idem

- (a) share municipal costs attributable to the use of the City of Brantford Public Library and the City landfill site facilities;
- (b) determine the use, maintenance and disposition by the Township of the Shellard Lane well and related water lines;
- (c) define areas in the Township to be supplied with water by the City and establish the rates for such water; and
- (d) define areas in the City to be supplied with water by the Township and establish the rates for such water.

- Arbitration (3) The City, the Township and the County may appoint one or more arbitrators, whose decision shall be final, to decide any of the matters referred to in subsections 1 and 2.
- Idem (4) If the City, the Township or the County are unable to agree on any of the matters referred to in subsections 1 and 2 or are unable to agree on the appointment of an arbitrator or arbitrators, the Minister shall appoint one or more arbitrators, whose decision shall be final, to decide any of the issues which have not been resolved.
- Assent of electors not required (5) Agreements reached for sharing costs shall not require the assent of the electors.
- Application of R.S.O. 1970, c. 201 (6) Sections 66, 67 and 68 of *The Public Transportation and Highway Improvement Act* do not apply to agreements reached under this section in respect of suburban roads and the Brantford Suburban Roads Commission, but such agreements shall not take effect until they have been approved by the Lieutenant Governor in Council.
- Application of 1978, c. 85 (7) Subsection 6 of section 8 of *The Child Welfare Act, 1978* does not apply to agreements reached under this section in respect of the Children's Aid Society of Brant, but such agreements shall not take effect until they have been approved by the Lieutenant Governor in Council.
- Order in council (8) The Lieutenant Governor in Council may, by order, approve or reject the agreements referred to in subsections 6 and 7, and following the approval of any agreement, the sharing of costs as approved becomes effective on the date specified in the order.
- Transitional rates **9.—**(1) The Minister may provide from time to time, by order, that in the years 1981, 1982, 1983, 1984, 1985 and 1986, and in the manner specified in the order, that the council of the City shall levy and impose on the whole of the annexed area and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section.
- Rural areas (2) The City may provide for rates of taxation for general purposes and rates and charges for special purposes in defined areas of the rural parts of the annexed area lower than the rates generally applicable in the City to reflect the extent to which rural areas do not receive City services, and the rates may vary among the defined areas.

SECTION 9. This section provides for transitional rates and area rating in the areas to be annexed in 1981.

SECTION 10. This section provides for the method of calculating the surplus for 1980 for which allowance is to be made, or the operating deficit to be provided for, in the estimates for the City for 1981.

SECTION 11. This section provides for the allocation of any surplus or deficit against assessment relating to such surplus or deficit.

(3) The level, duration, boundaries and conditions of the area rating authorized under subsection 2 shall be determined by a committee consisting of one representative appointed by each of the City, the Township and the County and such other person or persons as the Minister may appoint, and the determination of the committee shall be effective upon the unanimous ratification by the councils of the municipalities. Determination of area rating

(4) If the committee cannot agree on any of the issues which it is required to determine or if the councils of the municipalities do not ratify the determination of the committee, the councils may appoint one or more arbitrators, whose decision shall be final, to decide the issue or issues. Arbitration

(5) If the councils cannot agree on the appointment of an arbitrator or arbitrators, the Minister shall appoint one or more arbitrators, whose decision shall be final, to decide the issue or issues. Idem

(6) The Ministry of Revenue shall in the years 1980 and 1981 assess real property in the annexed area on the same basis as the assessment of real property in the Township, and the special assessment roll prepared for the annexed area in accordance with this provision shall be used for the fixing and levying of rates of taxation by the council of the City in the years 1981 and 1982. Assessment in annexed area

10.—(1) For the purposes of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made, or the operating deficit to be provided for, in the estimates of the council of the City for the year 1981 shall be the aggregate of the audited surplus or audited operating deficit of the City and the portions of the audited surplus or audited operating deficit of the Township attributable to the annexed area. Estimates R.S.O. 1970, c. 284

(2) For the purposes of subsection 1, the audited surplus or audited operating deficit attributable to the annexed area shall be an amount that is the same proportion of the audited surplus or audited operating deficit of the Township that the amount of the assessment of the annexed area is of the total amount of the assessment of the Township, according to the 1980 assessment rolls as returned to the clerks of the City and Township. Calculation of audited surplus, deficit

11.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act* other than reserves established in connection with the employment of officers or servants by the City or the Township. Interpretation

(2) The audited surplus or audited operating deficit of the Township or the City at the 31st day of December, 1980 shall accrue to the credit of or become a charge on the assessment Allocation of surplus or deficit

supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1981.

Assets and
liabilities,
County roads

12.—(1) All the assets and liabilities of the Township attributable to an area annexed to the City under this Act and the County roads in an area so annexed become assets and liabilities of the City on the effective date of the annexation without compensation.

Exceptions

(2) Notwithstanding subsection 1, the Tranquility Fire Hall and Community Centre shall remain an asset of the Township until such time as it ceases to be used by the Township for the purposes for which it was used on the 1st day of April, 1980, and the Shellard Lane well and related water lines shall remain assets of the Township until such time as the Township and the City have reached agreement on the ultimate disposition of the well and water lines.

Arbitration
re assets and
liabilities

13.—(1) In the year in which an annexation occurs under section 2 or 7 of this Act, the Minister shall appoint committees of arbitrators for the purpose of determining the assets and liabilities of the Township attributable to the lands annexed and the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township attributable to such lands.

Composition
of arbitration
committees

(2) Each committee shall consist of one representative appointed by each of the City, the Township and the County and such other person or persons as the Minister may appoint.

Provisional
determination

(3) Before the 31st day of December of the year in which the annexation occurs, the committee shall, where appropriate, make a provisional determination of the disposition of the known assets, liabilities and reserve funds of the Township and the disposition shall become operative from the 1st day of January of the following year.

Final
determination

(4) As soon as possible thereafter, the committee, where appropriate, shall make a final determination of the disposition of assets, liabilities and reserve funds as at the 31st day of December of the year in which the annexation occurs together with the determination of any financial adjustments that may be necessary.

Notice of
determination
deemed
agreement

(5) The final determination made under subsection 4 shall be forwarded forthwith to the clerks of the municipalities concerned and the Municipal Board, and unless the council of the City, Township or County notifies the Municipal Board in writing within thirty days of the mailing of such determination that it

SECTION 12. This section vests assets and liabilities attributable to areas annexed under this Bill.

SECTION 13. This section provides for the appointment of committees of arbitrators to identify and provide for the disposition of assets and liabilities attributable to an area annexed under this Bill.

SECTIONS 14-16. Self-explanatory.

SECTION 17. This section confirms the validity of the annexation negotiations and agreement that preceded the introduction of this Bill.

SECTIONS 18, 19. Self-explanatory.

objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities. R.S.O. 1970, c. 284

(6) Notwithstanding the provisions of section 11 and this section, the Minister may prescribe the period over which any adjustments and settlements made under section 11 or this section are to be made. Proviso

14.—(1) Every by-law of the Township and the County as the by-law exists on the 31st day of December, 1980 shall remain in force in the annexed area and may be amended or repealed by the council of the City. Continuation of by-laws

(2) Where the Township or the County has commenced procedures to enact a by-law that, prior to its enactment, requires the approval of any minister of the Crown, any Provincial Ministry, the Municipal Board or any Provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1980, then the council of the City shall be entitled to continue the procedure to finalize such by-law of the Township or the County in so far as it pertains to the City, and the provisions of subsection 1 apply with necessary modifications to any such by-law. Idem

15. Where the Minister or the Lieutenant Governor in Council is given the power to make an order under this Act, the Minister or the Lieutenant Governor in Council, respectively, may appoint such arbitrators or other persons as is considered appropriate to assist in the determination of such matters. Appointment of arbitrators and advisors

16. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the Minister's opinion are considered necessary or advisable to carry out effectively the purposes of this Act. General

17. The City, the Township and the County and those negotiating on their behalf shall be deemed to have always had the power to negotiate and enter into the Brantford-Brant Local Government Pilot Project Agreement entered into by the municipalities in April, 1980. Brantford-Brant Local Government Pilot Project Agreement

18. The Lieutenant Governor in Council may, at any time prior to the 1st day of January, 1987, by order, on such terms and conditions as the Lieutenant Governor in Council considers appropriate, provide for payments to be made to the City, the Township and the County to achieve any of the purposes of this Act. Grants

Conflict

19. In the event of any conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails.

Commence-
ment

20. This Act comes into force on the day it receives Royal Assent.

Short title

21. The short title of this Act is *The Brantford-Brant Annexation Act, 1980*.

SCHEDULE A

AREAS TO BE ANNEXED TO THE CITY OF BRANTFORD ON THE 1ST DAY OF JANUARY, 1981

The portions of the Township of Brantford described as follows:

FIRSTLY, part of the Township of Brantford, commencing at a point in the northerly boundary of the City of Brantford and the westerly limit of Lot 28 in Concession II of the Township of Brantford;

THENCE northerly along the westerly limit of the said Lot 28 to the northerly limit of the said Lot 28, Concession II;

THENCE easterly along the northerly limits of Lots 28 to 33 inclusive in Concession II, to the easterly limit of said Lot 33 in the said Concession II;

THENCE southerly along the easterly limit of Lot 33 and thereafter following the boundaries between the Township of Brantford and the City of Brantford to the point of commencement;

SECONDLY, part of the Township of Brantford, commencing at the intersection of the westerly boundary of the City of Brantford and the centre line of the King's Highway No. 403;

THENCE westerly along the centre line of the said Highway No. 403 to the left bank of the Grand River facing downstream;

THENCE southeasterly along the said left bank of the Grand River to the westerly boundary of the City of Brantford;

THENCE northerly along the westerly boundary of the City of Brantford to the point of commencement;

THIRDLY, part of the Township of Brantford, commencing at the southwest-
erly angle of Lot 42 in Concession II of the said Township;

THENCE easterly along the northerly limit of the road allowance between Concessions II and III to the easterly limit of the road allowance between Lots 42 and 43 in the said Township;

THENCE southerly along the easterly limit of the road allowance between Lots 42 and 43 to the northerly limit of the right of way of the Canadian National Railway;

THENCE westerly and northerly following the boundaries between the City of Brantford and the Township of Brantford to the point of commencement;

FOURTHLY, part of the Township of Brantford commencing at the intersection of the southerly boundary of the City of Brantford and the easterly limit of the right-of-way of the abandoned Lake Erie and Northern Railway;

THENCE southerly along the said eastern limit to the most westerly angle of a parcel of land designated as Part I on a Reference Plan deposited in the Land Registry Office for the Registry Division of Brant (No. 2) as Plan 2R-399;

THENCE north 63° 11' 45" west along the south western limit of the lands described in Registered Instrument Number A163668, a distance of 1,634.493 metres to the southeasterly limit of Shellard Lane;

THENCE south $50^{\circ} 35'$ west along the southeasterly limit of Shellard Lane 110.96 metres to the southeasterly production of the southerly limit of the lands described in Registered Instrument Number A37439 for the Township of Brantford;

THENCE westerly to and along the southerly limit of the lands of the said Ontario Water Resources to the easterly angle of the lands of the Ontario Water Resources described in Registered Instrument Number A37389;

THENCE southwesterly and northwesterly along the southerly limits of the last mentioned lands to the southeasterly limit of Block 4 in the Kerr Tract in the Township of Brantford;

THENCE southwesterly along the southeasterly limit of the said Block 4 to the northeasterly limit of the lands of A. and M. House described in Registered Instrument Number A125471;

THENCE northwesterly along the northeasterly limit of the said lands of A. and M. House and the northwesterly prolongation thereof to the northwesterly limit of the right-of-way of the Canadian National Railway;

THENCE northeasterly along the northwesterly limit of the said Railway right-of-way to the westerly limit of the lands of Bruce Patterson described in Registered Instrument Number 39657;

THENCE northerly along the westerly limit of the lands of Bruce Patterson and the northerly prolongation thereof to the centre line of the King's Highway No. 53;

THENCE easterly along the centre line of the said Highway No. 53 to the westerly boundary of the City of Brantford;

THENCE southeasterly along the boundaries between the City of Brantford and the Township of Brantford to the point of commencement;

FIFTHLY, part of the Township of Brantford, commencing at the intersection of the easterly limit of Johnson Road and the southerly limit of the King's Highway No. 403;

THENCE easterly along the southerly limit of the said Highway No. 403 to the southerly limit of the right-of-way of the Toronto, Hamilton and Buffalo Railway;

THENCE westerly along the southerly limit of the said Railway right-of-way to the northerly prolongation of the easterly limit of Lot 15 as shown on Registered Plan No. 29;

THENCE southerly to and along the easterly limit of the said Lot 15 to the southeasterly angle of the said Lot 15;

THENCE southerly along the southerly prolongation of the easterly limit of the said Lot 15 to the middle of the main channel of the Grand River;

THENCE westerly along the middle of the said channel to the southeasterly angle of the City of Brantford;

THENCE northeasterly following along the boundaries between the City of Brantford and the Township of Brantford to the point of commencement;

SIXTHLY, part of Lots 26 and 27 in Concession II of the said Township of Brantford which, premising that all bearings herein are astronomic and referred to the bearing of the southern limit of the northern half of the said Lots being $N. 77^{\circ} 13' 30'' E.$ shown on a Reference Plan deposited in the Land Registry Office for the

Registry Division of Brant (No. 2) as Plan 2R-1324, more particularly described as follows:

COMMENCING at the southeasterly angle of the north half of Lot 27 in Concession II of the Township of Brantford;

THENCE south $77^{\circ} 13' 30''$ west along the southerly limit of the north half of Lots 27 and 26 a distance of 811.338 metres to the southwesterly angle of the north half of Lot 26;

THENCE north $16^{\circ} 06'$ west along the said Lot a distance of 256.770 metres;

THENCE north $77^{\circ} 13' 30''$ east 403.665 metres to a point in the western limit of the said Lot 27;

THENCE north $15^{\circ} 55' 30''$ west 100 metres to a point;

THENCE north $77^{\circ} 13' 30''$ east 90 metres to a point;

THENCE north $49^{\circ} 51' 20''$ east 169.588 metres to a point;

THENCE north $77^{\circ} 13' 30''$ east 160.078 metres to a point in the easterly limit of the said Lot 27;

THENCE south $16^{\circ} 21' 50''$ east along the easterly limit of the said Lot, a distance of 435 metres to the point of commencement.

SCHEDULE B

AREAS TO BE ANNEXED TO THE CITY OF BRANTFORD ON THE 1ST DAY OF JANUARY, 1996

The portion of the Township of Brantford described as follows:

COMMENCING at the intersection of the left bank of the Grand River facing downstream and the centre line of the King's Highway No. 403;

THENCE easterly along the centre line of the said Highway No. 403 to the northeasterly limit of the right-of-way of the Canadian National Railway;

THENCE northwesterly along the northeasterly limit of the said Railway right-of-way to intersect a line parallel with and distant 45.720 metres measured southerly at right angles from the northerly limit of Concession II in the Township of Brantford;

THENCE westerly along the said parallel line to the easterly limit of Lot 18 in the said Concession II;

THENCE southerly along the easterly limit of Lot 18 to intersect a line parallel with and distant 121.920 metres measured southerly at right angles from the northerly limit of the said Concession II;

THENCE westerly along the said parallel line to the left bank of the Grand River facing downstream;

THENCE southerly along the said left bank to the point of commencement.

SCHEDULE C

RESTRICTED TO AGRICULTURE AND RELATED USES AREA

That part of the Township of Brantford commencing at the northwest angle of Lot 24, Concession I;

THENCE easterly along the south limit of Highways No. 5 and 99 to the middle line of Fairchilds Creek in Lot 46, Concession I;

THENCE following the middle line of Fairchilds Creek downstream through all its turnings to the boundary between the Township of Brantford and the Township of Onondaga;

THENCE westerly following said boundary to a point on the south limit of Old Onondaga Road, said point being on a line drawn at right angles to Old Onondaga Road and intersecting the north limit of Old Onondaga Road and its intersection with the west limit of an unnamed road allowance extending northerly into the John Westbrook Grant from Old Onondaga Road;

THENCE northerly at right angles from Old Onondaga Road to the point of intersection of the unnamed road allowance and the north limit of Old Onondaga Road;

THENCE north 10 degrees east 122.53 metres to a point;

THENCE south 77 degrees 23 minutes east 96.50 metres to a point;

THENCE north 26 degrees 45 minutes east 282.21 metres to a point;

THENCE north 62 degrees 48 minutes west 251.49 metres to a point;

THENCE north 63 degrees 40 minutes west 249.372 metres to a point;

THENCE north 64 degrees 6 minutes west 39.11 metres to a point;

THENCE north 25 degrees 54 minutes east to a point on the limit of the Grand River Conservation Authority flood plain for Fairchilds Creek;

THENCE following said limit northeasterly to its point of intersection with the west limit of the Brant School Road;

THENCE northwesterly following the west limit of Brant School Road and its projection to the north side of the King's Highway No. 2;

THENCE easterly following the north limit of the said Highway No. 2 to the southwest angle of the Township Cemetery Plot in the Daniel Hawley Tract;

THENCE north following the west limit of the Township Cemetery Plot to the middle line of Fairchilds Creek;

THENCE following the middle line of Fairchilds Creek upstream to a point distant 121.92 metres measured northerly at right angles from the northerly limit of Highway No. 2;

THENCE westerly parallel with the north limit of Highway No. 2 to a point distant 121.92 metres easterly from the east limit of Papple Road;

THENCE northerly parallel to Papple Road to the south limit of the Toronto, Hamilton and Buffalo Railway;

THENCE southwesterly along the south limit of the said Railway to its point of intersection with the west limit of the King's Highway No. 403;

THENCE following the west limit of the said Highway No. 403 and also the existing City boundary and its extension to the north limit of Lynden Road;

THENCE westerly along the north limit of Lynden Road to the southwest angle of Lot 42, Concession II, being the existing City boundary;

THENCE following the existing City boundary to the south limit of Powerline Road;

THENCE westerly along the south limit of Powerline Road to a point distant 79.86 metres east of the eastern boundary of Francis Street;

THENCE northerly at right angles 117.65 metres to a point;

THENCE westerly parallel with the north limit of Powerline Road to a point distant 91.44 metres measured easterly at right angles from the east limit of the King's Highway No. 24;

THENCE northerly parallel with Highway No. 24 to a point, said point being drawn on a line at right angles from the said Highway No. 24 and measured 620.77 metres northerly along the centreline of said road from the south limit of Powerline Road;

THENCE westerly at right angles from the said Highway No. 24, 91.44 metres to the east limit of the said Highway;

THENCE southerly along the easterly limit of the said Highway to the south limit of Powerline Road;

THENCE westerly following the south limit of Powerline Road to the northeast angle of Lot 27, Concession II;

THENCE south $16^{\circ} 21' 50''$ east along the easterly limit of Lot 27 to a point distant 435 metres measured northerly therealong from the southeasterly angle of the north half of the said Lot;

THENCE south $77^{\circ} 13' 30''$ west 160.078 metres to a point;

THENCE south $49^{\circ} 51' 20''$ west 169.588 metres to a point;

THENCE south $77^{\circ} 13' 30''$ west 90 metres to the westerly limit of Lot 27;

THENCE south $15^{\circ} 55' 30''$ east along the said westerly limit 100 metres to a point;

THENCE south $77^{\circ} 13' 30''$ west 403.665 metres to the westerly limit of Lot 26 in the said Concession II;

THENCE south $16^{\circ} 06'$ east along the westerly limit of the said Lot, 256.77 metres to the southwesterly angle of the north half of the said Lot 26;

THENCE southerly along the west limit of Lot 26 to the centre line of the King's Highway No. 403;

THENCE westerly along the centre line of the said Highway 403 to the north limit of the Canadian National Railway line;

THENCE northwesterly along the northerly limit of the said Railway to a line parallel with and distant 45.72 metres measured southerly at right angles from the southerly limit of Powerline Road;

THENCE westerly and parallel with the southerly limit of Powerline Road to a point on the westerly limit of Oak Park Road;

THENCE southerly along the westerly limit of Oak Park Road 76.20 metres to a point;

THENCE westerly parallel with the southerly limit of Powerline Road to the left bank of the Grand River facing downstream;

THENCE following the said left bank of the Grand River facing downstream through its various turnings to the existing City boundary and following the said boundary to a point that lies on the extension of the limit between Blocks 2 and 3 in the Kerr Tract, also being the existing City boundary;

THENCE following the existing City boundary southerly and westerly and continuing along the middle line of Oak Hill Drive to the southerly extension of the east limit of Jennings Road;

THENCE northerly along the east limit of Jennings Road to a point lying on the mid line of Concession IV;

THENCE westerly following the centre line of Concession IV to a point on the west limit of the Airport lands owned by the City of Brantford;

THENCE southerly along the west limit of the Airport lands and its extension to a point 121.92 metres south of the south limit of the King's Highway No. 53;

THENCE easterly parallel with Highway No. 53 to a point on the centre line in Lot 15, Concession V;

THENCE southerly parallel with the west limit of Lot 15 to a point on the northerly limit of Block 1 in the Kerr Tract;

THENCE easterly following the north limit of the Kerr Tract to the southeast angle of Lot 16, Concession V;

THENCE northerly along the east limit of Lot 16, Concession V to a point in the southerly limit of the King's Highway No. 53;

THENCE easterly along the southerly limit of the said Highway No. 53 to the westerly limit of Pleasant Ridge Road;

THENCE southerly along the west limit of Pleasant Ridge Road to the southerly limit of the Canadian National Railway right-of-way;

THENCE northeasterly along the southeasterly limit of the said Railway to the northeasterly limit of the lands of A. and M. House described in Registered Instrument Number A125471;

THENCE southeasterly along the northeasterly limit of the said lands to the northwesterly limit of Block 5 in the Kerr Tract;

THENCE northeasterly along the northwesterly limit of the said Block 5 to the westerly angle of the lands of the Ontario Water Resources described in Registered Instrument Number A37389;

THENCE southeasterly along the southwesterly limit of the Ontario Water Resources described in Instrument numbers A37389 and A37439 to the northwesterly limit of Shellard Lane;

THENCE south 39° 25' east to the southeasterly limit of Shellard Lane;

THENCE north $50^{\circ} 35'$ east along the said southeasterly limit to the westerly angle of lands described in Registered Instrument Number A163668;

THENCE south $63^{\circ} 11' 45''$ east along the southwesterly limit of the said lands 1,634.493 metres to the easterly limit of the lands of the Lake Erie and Northern Railway;

THENCE following the east limit of said railway to the easterly limit of Conklin Road;

THENCE southerly following the easterly limit of Conklin Road to the southerly limit of Mt. Pleasant Road;

THENCE easterly along the southerly limit of Mt. Pleasant Road 244.75 metres to a point;

THENCE south 37° 41 minutes east 489.45 metres to a point;

THENCE easterly in a straight line to the southwest angle of Registered Plan 966;

THENCE easterly following the southerly limit of said plan to the southeast angle of Registered Plan 966;

THENCE northerly following the easterly limit of said plan and its extension to the middle line of the Grand River;

THENCE following the middle line of the Grand River downstream through all its turnings to a point distant 152.4 metres measured southerly at right angles from the southerly limit of Blossom Avenue;

THENCE following a line parallel with and distant 152.4 metres from the southerly limit of Blossom Avenue and its proposed extension from Mt. Pleasant Road to Pleasant Ridge Road to a point on the westerly limit of Pleasant Ridge Road;

THENCE following a line parallel with and distant 152.4 metres from the southerly limit of Arthur Road to a point on the east limit of the King's Highway No. 24;

THENCE northerly following the easterly limit of the said Highway No. 24 to the northerly limit of Robinson Road;

THENCE easterly along the northerly limit of Robinson Road to the easterly limit of Pottruff Road;

THENCE northerly along the easterly limit of Pottruff Road to the southerly limit of Powerline Road;

THENCE easterly following the south limit of Powerline Road to the southwest angle of Lot 24, Concession I;

THENCE northerly along the west limit of Lot 24 to the point of commencement.

SAVING AND EXCEPTING all those lands described as Lot 22 in Registered Plan 594.

SCHEDULE D

MUTUAL PLANNING ADVISORY COMMITTEE AREA

a) NORTH

COMMENCING at the northeast angle of Lot 40, Concession II;

THENCE westerly along the south side of Powerline Road to a point 79.86 metres easterly of the easterly limit of Francis Street;

THENCE northerly at right angles 117.65 metres to a point;

THENCE westerly parallel with the north limit of Powerline Road to a point distant 91.44 metres from the easterly limit of the King's Highway No. 24;

THENCE northerly and parallel with the said Highway No. 24 to a point, the said point being drawn on a line at right angles from the said Highway No. 24 distant 620.27 metres measured northerly from the centreline of said road from the south limit of Powerline Road;

THENCE westerly at right angles from the said Highway No. 24, 91.44 metres to the easterly limit of said Highway;

THENCE southerly along said easterly limit to the southerly limit of Powerline Road;

THENCE westerly following the southerly limit of Powerline Road to the northwest angle of Lot 28 in Concession II;

THENCE south $16^{\circ} 21' 50''$ east along the easterly limit of Lot 27 to a point distant 435.00 metres measured northerly therealong from the southeasterly angle of the north half of the said Lot;

THENCE south $77^{\circ} 13' 30''$ west 160.078 metres to a point;

THENCE south $49^{\circ} 51' 20''$ west 169.588 metres to a point;

THENCE south $77^{\circ} 13' 30''$ west 90.00 metres to the westerly limit of Lot 27;

THENCE south $15^{\circ} 55' 30''$ east along the said westerly limit 100.00 metres to a point;

THENCE south $77^{\circ} 13' 30''$ west 403.665 metres to the westerly limit of Lot 26 in the said Concession II;

THENCE south $16^{\circ} 06'$ east along the westerly limit of the said Lot, 256.77 metres to the southwesterly angle of the north half of the said Lot 26;

THENCE easterly to the southeast angle of the north half of Lot 28 in Concession II;

THENCE easterly following the existing City boundary to a point distant 336.71 metres more or less west of the western limit of the King's Highway No. 24 as widened;

THENCE southerly and parallel with the westerly limit of Lot 30 in Concession II, 314.0 metres more or less to a point;

THENCE easterly on a bearing of north 77 degrees 00 minutes east 140.74 metres to a point;

THENCE northerly on a bearing of north 15 degrees 39 minutes west 60.56 metres to a point;

THENCE easterly on a bearing of north 76 degrees 53 minutes east 100.22 metres to a point;

THENCE northerly on a bearing of north 14 degrees 25 minutes west 19.93 metres to a point;

THENCE easterly on a bearing of north 77 degrees 4 minutes east 95.28 metres more or less to a point on the westerly limit of the said Highway No. 24 as widened, said point being in the boundary between the City of Brantford and the Township of Brantford;

THENCE southerly and easterly following the existing City Boundary along its various courses and distances to its point of intersection with the southeasterly angle of the Rosewood Garden Subdivision Plan being the southeasterly angle of Lot 10, Registered Plan 1521;

THENCE following the former City-Township boundary prior to the 1974 annexation to its point of intersection with the existing City boundary (Garden Avenue);

THENCE continuing southerly along the existing boundary to its point of intersection with the centreline of the Grand River;

THENCE along the middle line of the Grand River downstream to its point of intersection with the boundary between the Township of Onondaga and the Township of Brantford;

THENCE following said boundary through its various courses and distances to a point on the south limit of Old Onondaga Road, said point being on a line drawn at right angles from Old Onondaga Road and intersecting the northerly limit of Old Onondaga Road and its intersection with the westerly limit of an unnamed road allowance extending northerly into the John Westbrook Grant from the Old Onondaga Road;

THENCE northerly at right angles from the Old Onondaga Road to the point of intersection of the unnamed road allowance and the northerly limit of Old Onondaga Road;

THENCE north 10 degrees east 122.53 metres to a point;

THENCE south 77 degrees 23 minutes east 96.50 metres to a point;

THENCE north 26 degrees 45 minutes east 282.21 metres to a point;

THENCE north 62 degrees 48 minutes west 251.49 metres to a point;

THENCE north 63 degrees 40 minutes west 249.37 metres to a point;

THENCE north 64 degrees 6 minutes west 39.11 metres to a point;

THENCE north 25 degrees 54 minutes east to a point on the limit of the Grand River Conservation Authority Flood Plain for Fairchilds Creek;

THENCE following said limit northeasterly to its point of intersection with the westerly limit of Brant School Road;

THENCE following the westerly limit of Brant School Road and its projection to the north side of the King's Highway No. 2;

THENCE easterly following the north limit of the said Highway No. 2 to the southwest angle of the Township Cemetery Plot in the Daniel Hawley Tract;

THENCE north following the west limit of the Township Cemetery Plot to the middle line of Fairchilds Creek;

THENCE following the middle line of Fairchilds Creek upstream to a point distant 121.92 metres measured northerly at right angles from the northerly limit of the said Highway No. 2;

THENCE westerly parallel to the north limit of King's Highway No. 2 to a point distant 121.92 metres easterly from the easterly limit of Papple Road;

THENCE northerly parallel to Papple Road to the south limit of the Toronto, Hamilton and Buffalo Railway;

THENCE southwesterly along the southerly limit of the said Railway to the westerly limit of the King's Highway No. 403;

THENCE following the west limit of the said Highway 403 and also the existing City boundary and its extension to the north limit of Lynden Road;

THENCE westerly along the northerly limit of Lynden Road to the existing City boundary;

THENCE following said boundary to the point of commencement.

b) NORTHWEST

COMMENCING at the intersection of a line between Lots 25 and 26 in Concession II and the centre line of the King's Highway No. 403;

THENCE westerly along the centre line of the said Highway No. 403 to the northerly limit of the Canadian National Railway right-of-way;

THENCE northwesterly along the northerly limit of the said Canadian National Railway to its point of intersection with a line drawn at right angles from the south limit of Powerline Road and distant 45.72 metres measured east-westerly therefrom;

THENCE westerly and parallel to the south limit of Powerline Road to a point on the west limit of Oak Park Road;

THENCE southerly along the west limit of Oak Park Road 76.2 metres to a point;

THENCE westerly parallel with the southerly limit of Powerline Road to the left bank of the Grand River facing downstream;

THENCE following the left bank of the Grand River downstream through its various turnings to its point of intersection with the existing City boundary being also the limit between Lots 25 and 26 in Concession III;

THENCE northerly along said boundary to the point of commencement.

c) SOUTHWEST

COMMENCING at a point in the mid line of the Grand River and its intersection with the extension of the limit between Blocks 2 and 3 in the Kerr Tract, also being the existing City boundary;

THENCE following the existing City boundary southerly and westerly and continuing along the middle line of Oak Hill Drive to the southerly extension of the east limit of Jennings Road;

THENCE northerly along the east limit of Jennings Road to a point lying on the mid line of Concession IV;

THENCE westerly following the centre line of Concession IV to a point on the west limit of the Airport lands owned by the City of Brantford;

THENCE southerly along the west limit of the Airport lands and its extension to a point 121.92 metres south of the south limit of the King's Highway No. 53;

THENCE easterly parallel with Highway No. 53 to a point on the centre line in Lot 15, Concession V;

THENCE southerly parallel with the west limit of Lot 15 to a point on the northerly limit of Block 1 in the Kerr Tract;

THENCE easterly following the north limit of the Kerr Tract to the southeast angle of Lot 16, Concession V;

THENCE northerly along the east limit of Lot 16, Concession V to a point in the southerly limit of the King's Highway No. 53;

THENCE easterly along the southerly limit of the said Highway No. 53 to the westerly limit of Pleasant Ridge Road;

THENCE southerly along the west limit of Pleasant Ridge Road to the southerly limit of the Canadian National Railway right-of-way;

THENCE northeasterly along the southeasterly limit of the said Railway to northeasterly limit of the lands of A. and M. House described in Registered Instrument Number A125471;

THENCE southeasterly along the northeasterly limit of the said lands to the northwesterly limit of Block 5 in the Kerr Tract;

THENCE northeasterly along the northwesterly limit of the said Block 5 to the westerly angle of the lands of the Ontario Water Resources described in Registered Instrument Number A37389;

THENCE southeasterly along the southwesterly limit of the Ontario Water Resources described in Instrument Number A37389 and A37439 to the northwesterly limit of Shellard Lane;

THENCE south 39° 25' east to the southeasterly limit of Shellard Lane;

THENCE north 50° 35' east along the said southeasterly limit to the westerly angle of lands described in Registered Instrument Number A163668;

THENCE south 63° 11' 45" east along the southwesterly limit of the said lands 1,634.493 metres to the easterly limit of the lands of the Lake Erie and Northern Railway;

THENCE following the easterly limit of said railway to its point of intersection with the easterly limit of Conklin Road;

THENCE southerly following the east limit of Conklin Road to the southerly limit of Mt. Pleasant Road;

THENCE easterly along the southerly limit of Mt. Pleasant Road 244.75 metres to a point;

THENCE south 37 degrees 41 minutes east 489.45 metres to a point;

THENCE easterly in a straight line to the southwest angle of Registered Plan 966;

THENCE easterly following the southern limit of said plan to the southeast angle of Registered Plan 966;

THENCE northerly following the east limit of said plan and its extension to the middle line of the Grand River;

THENCE following the existing City boundary to the north limit of Bell Lane;

THENCE northwesterly in a straight line to the point of intersection of the Canadian National Railway right-of-way and Colborne Street West;

THENCE due north to the middle line of the Grand River;

THENCE following the middle line of the Grand River upstream to the point of commencement.

And together with all those lands described as Lot 22 in Registered Plan 594.

An Act respecting
the City of Brantford, the Township
of Brantford and the County of Brant

1st Reading

June 12th, 1980

2nd Reading

June 17th, 1980

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

*(Reprinted as amended by
the General Government Committee)*

81
56

Government
Publications

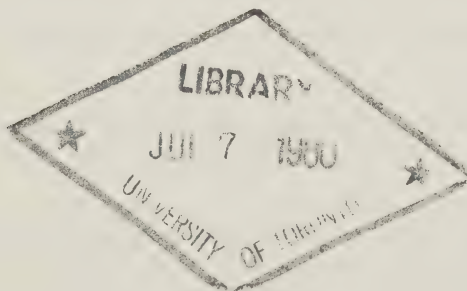
BILL 120

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 7

Legislative Assembly

An Act respecting the City of Brantford, the Township of
Brantford and the County of Brant

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



BILL 120

1980

An Act respecting the City of Brantford, the Township of Brantford and the County of Brant

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “annexed area” means the lands annexed to the City of Brantford under subsection 1 of section 2;
- (b) “City” means The Corporation of the City of Brantford;
- (c) “County” means The Corporation of the County of Brant;
- (d) “Minister” means the Minister of Intergovernmental Affairs;
- (e) “Municipal Board” means the Ontario Municipal Board;
- (f) “Township” means The Corporation of the Township of Brantford.

2.—(1) On the 1st day of January, 1981, the portions of the Township described in Schedule A are annexed to the City. Annexation

(2) On the 1st day of January, 1991, the portions of the Township being composed of approximately 50 acres in Lot 18, Concession II north of and contiguous to Highway 403 and approximately 50 acres in Lot 19, Concession II north of and contiguous to Highway 403, or such other lands as the City and Township may agree upon, as described by an order of the Lieutenant Governor in Council to be made in the year 1990, are annexed to the City. Subsequent
annexation

(3) The determination of the lands to be annexed under subsection 2 shall be made jointly by agreement among the City, the Agreement

County and the Township by the 1st day of July, 1990, and, following such agreement, the Lieutenant Governor in Council shall, by order, annex the lands agreed upon by the City, the Township and the County.

Order in
council

(4) If the City, the Township and the County are unable to agree on the lands to be annexed under subsection 2, the Lieutenant Governor in Council shall, by order, annex such lands to the City as the Lieutenant Governor in Council may consider appropriate.

Subsequent
annexation

(5) On the 1st day of January, 1996, the portions of the Township described in Schedule B not previously annexed under subsection 2, are annexed to the City.

Application of
R.S.O. 1970,
c. 284,
ss. 5, 336

3.—(1) Sections 5 and 336 of *The Municipal Act* apply to the City in respect of the lands described in Schedule B.

Roads and
water

(2) On and after the 1st day of January, 1991, the City may provide roads, piped water and sewer services to the lands to be annexed to the City under subsection 5 of section 2.

Limitation

(3) Subject to subsection 2, the City may not extend piped water or sewer services beyond its boundaries without the consent of the Township or unless so ordered by the Province of Ontario under any general Act.

Official
plan
designations

4.—(1) The portions of the Township described in Schedule C shall be designated by the Township in its official plan, and in subsequent amendments thereto, so as to ensure the preservation of farmland, the provision of a municipal water supply and the development of mineral resource extraction and for uses related to agriculture and mineral resource extraction.

Official
plan
amendments

(2) The Township shall prepare and, subject to the agreement of the City and the County, shall adopt and submit to the Minister of Housing an amendment to its official plan for the area referred to in subsection 1 by the 1st day of September, 1980.

Idem

(3) The Township, subject to the agreement of the City and the County, and the City, subject to the agreement of the Township and the County, shall prepare, adopt and submit to the Minister of Housing by the 1st day of September, 1980 amendments to their official plans for the portions of the area described in Schedule D under their respective jurisdictions.

Idem

(4) The Township shall prepare, in consultation with the City and County, and shall adopt and submit, after consultation with the City and County, to the Minister of Housing in accordance with *The Planning Act* by the 1st day of September, 1981 an

R.S.O. 1970,
c. 349

amendment to its official plan for the portions of the Township not described in Schedules C and D.

(5) The City, the Township and the County may appoint one or more arbitrators to decide the detailed definition of land uses in the official plan amendments to be submitted in accordance with subsections 2 and 3. ^{Arbitration}

(6) If the City, the Township and the County cannot agree on the detailed definition of land uses referred to in subsection 5 or are unable to agree on the appointment of an arbitrator or arbitrators, the Minister of Housing shall appoint a hearing officer under subsection 7. ^{Idem}

(7) The Minister of Housing shall appoint one or more hearing officers to hear representations and make recommendations, having regard to the objective referred to in subsection 1, concerning the proposed designations for the areas included in the official plan amendments to be submitted in accordance with subsections 2 and 3, and the Minister of Housing may, upon the request of the Township and if he considers it appropriate, appoint one or more hearing officers to hear representations and make recommendations concerning the proposed designations for the areas included in the official plan amendment submitted in accordance with subsection 4, and, following a hearing under rules of procedure adopted by the hearing officer or officers, the recommendations of the hearing officer or officers shall be made to the Minister of Housing concerning the proposed official plan or plans and copies of the recommendations shall be filed with the clerks of the City, the Township and the County and public notice of such filing shall be given by the clerk of each municipality. ^{Hearing officers}

(8) Following the recommendations of the hearing officer or officers, the Minister of Housing shall make a recommendation to the Lieutenant Governor in Council as to whether the report of the hearing officer be approved, rejected or varied, and if the recommendation of the Minister of Housing to the Lieutenant Governor in Council is other than that the report of the hearing officer be approved, then the Minister of Housing shall give public notice to this effect, state his intentions and a period of twenty-one days shall be allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council. ^{Approval of recommendations}

(9) Where the Minister of Housing makes a recommendation under subsection 8 respecting the areas referred to in subsections 2 and 3, he shall have regard to the objective set out in subsection 1. ^{Objective to be considered}

(10) The City, the Township and the County shall not make representations under subsections 7 and 8 that are contrary to an agreement under subsection 1 or 3, or that are contrary to the decision of an arbitrator under subsection 5. ^{Estoppel}

Approval
of official
plans

(11) The Lieutenant Governor in Council having regard to the objective set out in subsection 1 may, by order, approve the proposed amendments to the official plans or may approve them with such modifications as the Lieutenant Governor in Council, following consultation with the municipalities, considers desirable, and thereupon the official plans, as amended, are, for the purposes of every Act, the official plans for the municipalities and portions of municipalities affected thereby.

Mutual
Planning
Advisory
Committee

(12) The City, the Township and the County shall establish a consultative body, to be known as the "Mutual Planning Advisory Committee", to advise the municipalities on planning matters in the portions of the Township and City described in Schedule D.

Amendments
to official
plan

R.S.O. 1970,
c. 349

(13) After the approval of the official plan amendments by the Lieutenant Governor in Council under subsection 11 with respect to the lands described in Schedule C, amendments may be made to the official plan of the Township in accordance with *The Planning Act* to provide for any land use designation with respect to the said lands, but no amendment may be made that provides for land use designations other than those referred to in subsection 1 unless the City, the Township and the County agree to the proposed land use designations.

City's power
to apply to
O.M.B. for
annexations
restricted

5.—(1) The City shall not apply to the Municipal Board for the annexation of any lands in the Township before the 1st day of January, 2004 unless the Township agrees to such annexation.

Exceptions

(2) Notwithstanding subsection 1 but subject to subsection 4, the City may apply to the Municipal Board at any time to annex,

(a) lands within the area described in Schedule C or D, other than lands that are the subject of an agreement under clause *c* of subsection 2 of section 8, to which the Township requests that the City extend piped water or sewer services or to which the Province of Ontario under any general Act requires the City to extend such services;

(b) lands within the area described in Schedule C or D,

(i) for which a draft plan of subdivision to which the Minister of Housing has given approval or draft approval under section 33 of *The Planning Act*, or

(ii) in respect of which a restricted area by-law or by-law amendment which takes effect under section 35 of *The Planning Act* or an approval granted by the Township or a local board thereof,

permits development exceeding that provided for in the official plan amendments submitted under subsections 2 and 3 of section 4 by any of the following,

- (iii) residential development, other than farm dwellings, consisting of more than twenty adjacent or proximate dwelling units, or development consisting of more than twenty adjacent or proximate residential lots created as a result of consents under section 29 of *The Planning Act* or by a plan or plans of subdivision under section 33 of *The Planning Act*,

R.S.O. 1970,
c. 349

- (iv) commercial development of a total of more than 930 square metres of gross floor area on one parcel of land or on two or more adjacent parcels,
- (v) industrial development on a total of more than four hectares of land capable of being utilized for industrial purposes on one parcel of land or on two or more adjacent parcels; and

- (c) such other lands lying between lands annexed under this subsection and the closest logical boundary of the City that, in the opinion of the Municipal Board, are required to provide an appropriate boundary between the City and the Township.

(3) The County and the Township shall not oppose any annexation application made under clause *a* of subsection 2.

Opposition by
County and
Township
prohibited

(4) The City, the Township and the County may from time to time agree that no application may be made under subsection 2 during the period set out in the agreement with respect to lands described therein and the City shall not apply to the Municipal Board during any such period to annex the described lands.

Agreements
not to
annex
lands

6.—(1) For the term of office beginning on the 1st day of December, 1980, the council of the City shall be composed of a mayor who shall be elected by general vote of the electors of the City and shall be the head of the council, and eleven members elected by wards.

Composition
of City
council

(2) Subject to subsection 4, for the term of office beginning on the 1st day of December, 1982 and for subsequent terms of office, the council of the City shall be composed of a mayor who shall be elected by general vote of the electors of the City and who shall be the head of the council, and such number of members elected by wards as the Minister by order determines, following representations by the City as to the composition of council.

Idem

Elections in
1980 and 1982

(3) For the purposes of the elections in the years 1980 and 1982, the Minister may, by order, divide the City and annexed area into wards and make provision for the respective number of members of the council and the public utilities commission of the City to be elected in the respective wards, and the wards provided for the elections in the year 1982 shall remain in effect until altered by the Municipal Board.

Idem
1977, c. 62

(4) Notwithstanding *The Municipal Elections Act, 1977*, the Minister may, by order, provide for the holding of the election in the year 1980 of the members of the councils of the City and the Township, The Public Utilities Commission of the City of Brantford, the Hydro-Electric Commission of the Township of Brantford, The Brant County Board of Education and The Brant County Separate School Board, including nominations, polling days, qualifications of electors, polling places, the appointment of returning officers, preparation of polling lists, the terms of office of the members and any other matters considered necessary in respect of the election.

Application of
R.S.O. 1970,
c. 284, s. 28

(5) If the wards provided for the elections in the year 1982 are altered by the Municipal Board, the council of the City shall be composed in accordance with section 28 of *The Municipal Act*.

Public
Utilities
Commission
1944, c. 72
R.S.O. 1970,
c. 390

(6) Notwithstanding *The City of Brantford Act, 1944* and section 42 of *The Public Utilities Act*, for the term of office beginning the 1st day of December, 1980, The Public Utilities Commission of the City of Brantford shall be composed of the mayor of the City and six members, elected by wards.

Idem

1944, c. 72

(7) For the term of office beginning the 1st day of December, 1982, the Minister may, by order, following representations by the City and The Public Utilities Commission of the City of Brantford as to the composition of the Commission, determine the composition of the Commission and the composition of the Commission continues as set out in the order until such time as the council of the City, by by-law, provides that *The City of Brantford Act, 1944* shall apply.

Transportation
and service
corridor

7.—(1) The City, the Township and the County may by agreement make recommendations with respect to, and the Lieutenant Governor in Council shall, by order, do whatever the Lieutenant Governor in Council considers necessary for, the provision of a transportation and service corridor to link the portion of the annexed area lying to the north-west of the City with the portion of the annexed area lying to the south-west of the City, and, notwithstanding the generality of the foregoing, may authorize the City to acquire any lands that the Lieutenant Governor in Council considers necessary for such purpose.

(2) The City, the Township and the County may appoint one or more arbitrators to make recommendations concerning the limits of the corridor referred to in subsection 1 and the desirability of annexing the area or any part thereof to the City. Arbitration

(3) If the City, the Township and the County are unable to agree on the matters referred to in subsections 1 and 2 or are unable to agree on the appointment of an arbitrator or arbitrators by the 30th day of September, 1981, the Minister shall appoint one or more arbitrators to assist in the resolution of the issues that have not been resolved. Idem

(4) The Lieutenant Governor in Council may, by order, annex any or all of the corridor area to the City. Orders in council

(5) The Lieutenant Governor in Council shall, by order, annex to the City such area as is agreed upon by the City, the Township and the County under this section. Idem

(6) Before an order is made under subsection 4, the Minister shall cause public notice to be given and a period of twenty-one days shall be allowed when representations in writing can be made by anyone concerned to the Lieutenant Governor in Council. Public notice

(7) The Lieutenant Governor in Council may, by order, alter the boundaries of the lands described in Schedules C and D to conform with the limits of the corridor area. Amendment of Schedules

8.—(1) The City and the County may enter into agreements to determine the municipal contributions to the Brantford Suburban Roads Commission and the sharing of costs in respect of suburban roads, the Brant Planning Board, the Children's Aid Society of Brant, homes-for-the-aged, rescue truck services, assisted housing, general welfare, hospital debt, health, emergency measures and a fire radio alarm system. Cost sharing agreements

(2) The City and the Township may enter into agreements to, Idem

- (a) share municipal costs attributable to the use of the City of Brantford Public Library and the City landfill site facilities;
- (b) determine the use, maintenance and disposition by the Township of the Shellard Lane well and related water lines;
- (c) define areas in the Township to be supplied with water by the City and establish the rates for such water; and
- (d) define areas in the City to be supplied with water by the Township and establish the rates for such water.

- Arbitration (3) The City, the Township and the County may appoint one or more arbitrators, whose decision shall be final, to decide any of the matters referred to in subsections 1 and 2.
- Idem (4) If the City, the Township or the County are unable to agree on any of the matters referred to in subsections 1 and 2 or are unable to agree on the appointment of an arbitrator or arbitrators, the Minister shall appoint one or more arbitrators, whose decision shall be final, to decide any of the issues which have not been resolved.
- Assent of electors not required (5) Agreements reached for sharing costs shall not require the assent of the electors.
- Application of R.S.O. 1970, c. 201 (6) Sections 66, 67 and 68 of *The Public Transportation and Highway Improvement Act* do not apply to agreements reached under this section in respect of suburban roads and the Brantford Suburban Roads Commission, but such agreements shall not take effect until they have been approved by the Lieutenant Governor in Council.
- Application of 1978, c. 85 (7) Subsection 6 of section 8 of *The Child Welfare Act, 1978* does not apply to agreements reached under this section in respect of the Children's Aid Society of Brant, but such agreements shall not take effect until they have been approved by the Lieutenant Governor in Council.
- Order in council (8) The Lieutenant Governor in Council may, by order, approve or reject the agreements referred to in subsections 6 and 7, and following the approval of any agreement, the sharing of costs as approved becomes effective on the date specified in the order.
- Transitional rates **9.—**(1) The Minister may provide from time to time, by order, that in the years 1981, 1982, 1983, 1984, 1985 and 1986, and in the manner specified in the order, that the council of the City shall levy and impose on the whole of the annexed area and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section.
- Rural areas (2) The City may provide for rates of taxation for general purposes and rates and charges for special purposes in defined areas of the rural parts of the annexed area lower than the rates generally applicable in the City to reflect the extent to which rural areas do not receive City services, and the rates may vary among the defined areas.

(3) The level, duration, boundaries and conditions of the area rating authorized under subsection 2 shall be determined by a committee consisting of one representative appointed by each of the City, the Township and the County and such other person or persons as the Minister may appoint, and the determination of the committee shall be effective upon the unanimous ratification by the councils of the municipalities. Determination of area rating

(4) If the committee cannot agree on any of the issues which it is required to determine or if the councils of the municipalities do not ratify the determination of the committee, the councils may appoint one or more arbitrators, whose decision shall be final, to decide the issue or issues. Arbitration

(5) If the councils cannot agree on the appointment of an arbitrator or arbitrators, the Minister shall appoint one or more arbitrators, whose decision shall be final, to decide the issue or issues. Idem

(6) The Ministry of Revenue shall in the years 1980 and 1981 assess real property in the annexed area on the same basis as the assessment of real property in the Township, and the special assessment roll prepared for the annexed area in accordance with this provision shall be used for the fixing and levying of rates of taxation by the council of the City in the years 1981 and 1982. Assessment in annexed area

10.—(1) For the purposes of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made, or the operating deficit to be provided for, in the estimates of the council of the City for the year 1981 shall be the aggregate of the audited surplus or audited operating deficit of the City and the portions of the audited surplus or audited operating deficit of the Township attributable to the annexed area. Estimates R.S.O. 1970, c. 284

(2) For the purposes of subsection 1, the audited surplus or audited operating deficit attributable to the annexed area shall be an amount that is the same proportion of the audited surplus or audited operating deficit of the Township that the amount of the assessment of the annexed area is of the total amount of the assessment of the Township, according to the 1980 assessment rolls as returned to the clerks of the City and Township. Calculation of audited surplus, deficit

11.—(1) In this section, “surplus or operating deficit” includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act* other than reserves established in connection with the employment of officers or servants by the City or the Township. Interpretation

(2) The audited surplus or audited operating deficit of the Township or the City at the 31st day of December, 1980 shall accrue to the credit of or become a charge on the assessment Allocation of surplus or deficit

supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1981.

Assets and
liabilities,
County roads

12.—(1) All the assets and liabilities of the Township attributable to an area annexed to the City under this Act and the County roads in an area so annexed become assets and liabilities of the City on the effective date of the annexation without compensation.

Exceptions

(2) Notwithstanding subsection 1, the Tranquility Fire Hall and Community Centre shall remain an asset of the Township until such time as it ceases to be used by the Township for the purposes for which it was used on the 1st day of April, 1980, and the Shellard Lane well and related water lines shall remain assets of the Township until such time as the Township and the City have reached agreement on the ultimate disposition of the well and water lines.

Arbitration
re assets and
liabilities

13.—(1) In the year in which an annexation occurs under section 2 or 7 of this Act, the Minister shall appoint committees of arbitrators for the purpose of determining the assets and liabilities of the Township attributable to the lands annexed and the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township attributable to such lands.

Composition
of arbitration
committees

(2) Each committee shall consist of one representative appointed by each of the City, the Township and the County and such other person or persons as the Minister may appoint.

Provisional
determination

(3) Before the 31st day of December of the year in which the annexation occurs, the committee shall, where appropriate, make a provisional determination of the disposition of the known assets, liabilities and reserve funds of the Township and the disposition shall become operative from the 1st day of January of the following year.

Final
determination

(4) As soon as possible thereafter, the committee, where appropriate, shall make a final determination of the disposition of assets, liabilities and reserve funds as at the 31st day of December of the year in which the annexation occurs together with the determination of any financial adjustments that may be necessary.

Notice of
determination
deemed
agreement

(5) The final determination made under subsection 4 shall be forwarded forthwith to the clerks of the municipalities concerned and the Municipal Board, and unless the council of the City, Township or County notifies the Municipal Board in writing within thirty days of the mailing of such determination that it

objects to the determination, such determination shall, for the purposes of clause *a* of subsection 11 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such municipalities.

R.S.O. 1970,
c. 284

(6) Notwithstanding the provisions of section 11 and this section, the Minister may prescribe the period over which any adjustments and settlements made under section 11 or this section are to be made.

Proviso

14.—(1) Every by-law of the Township and the County as the by-law exists on the 31st day of December, 1980 shall remain in force in the annexed area and may be amended or repealed by the council of the City.

Continuation
of by-laws

(2) Where the Township or the County has commenced procedures to enact a by-law that, prior to its enactment, requires the approval of any minister of the Crown, any Provincial Ministry, the Municipal Board or any Provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1980, then the council of the City shall be entitled to continue the procedure to finalize such by-law of the Township or the County in so far as it pertains to the City, and the provisions of subsection 1 apply with necessary modifications to any such by-law.

Idem

15. Where the Minister or the Lieutenant Governor in Council is given the power to make an order under this Act, the Minister or the Lieutenant Governor in Council, respectively, may appoint such arbitrators or other persons as is considered appropriate to assist in the determination of such matters.

Appointment
of arbitrators
and advisors

16. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the Minister's opinion are considered necessary or advisable to carry out effectively the purposes of this Act.

General

17. The City, the Township and the County and those negotiating on their behalf shall be deemed to have always had the power to negotiate and enter into the Brantford-Brant Local Government Pilot Project Agreement entered into by the municipalities in April, 1980.

Brantford-
Brant
Local
Government
Pilot
Project
Agreement

18. The Lieutenant Governor in Council may, at any time prior to the 1st day of January, 1987, by order, on such terms and conditions as the Lieutenant Governor in Council considers appropriate, provide for payments to be made to the City, the Township and the County to achieve any of the purposes of this Act.

Grants

Conflict

19. In the event of any conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails.

Commence-
ment

20. This Act comes into force on the day it receives Royal Assent.

Short title

21. The short title of this Act is *The Brantford-Brant Annexation Act, 1980*.

SCHEDULE A

AREAS TO BE ANNEXED TO THE CITY OF BRANTFORD ON THE 1ST DAY OF JANUARY, 1981

The portions of the Township of Brantford described as follows:

FIRSTLY, part of the Township of Brantford, commencing at a point in the northerly boundary of the City of Brantford and the westerly limit of Lot 28 in Concession II of the Township of Brantford;

THENCE northerly along the westerly limit of the said Lot 28 to the northerly limit of the said Lot 28, Concession II;

THENCE easterly along the northerly limits of Lots 28 to 33 inclusive in Concession II, to the easterly limit of said Lot 33 in the said Concession II;

THENCE southerly along the easterly limit of Lot 33 and thereafter following the boundaries between the Township of Brantford and the City of Brantford to the point of commencement;

SECONDLY, part of the Township of Brantford, commencing at the intersection of the westerly boundary of the City of Brantford and the centre line of the King's Highway No. 403;

THENCE westerly along the centre line of the said Highway No. 403 to the left bank of the Grand River facing downstream;

THENCE southeasterly along the said left bank of the Grand River to the westerly boundary of the City of Brantford;

THENCE northerly along the westerly boundary of the City of Brantford to the point of commencement;

THIRDLY, part of the Township of Brantford, commencing at the southwest-erly angle of Lot 42 in Concession II of the said Township;

THENCE easterly along the northerly limit of the road allowance between Concessions II and III to the easterly limit of the road allowance between Lots 42 and 43 in the said Township;

THENCE southerly along the easterly limit of the road allowance between Lots 42 and 43 to the northerly limit of the right of way of the Canadian National Railway;

THENCE westerly and northerly following the boundaries between the City of Brantford and the Township of Brantford to the point of commencement;

FOURTHLY, part of the Township of Brantford commencing at the intersection of the southerly boundary of the City of Brantford and the easterly limit of the right-of-way of the abandoned Lake Erie and Northern Railway;

THENCE southerly along the said eastern limit to the most westerly angle of a parcel of land designated as Part I on a Reference Plan deposited in the Land Registry Office for the Registry Division of Brant (No. 2) as Plan 2R-399;

THENCE north 63° 11' 45" west along the south western limit of the lands described in Registered Instrument Number A163668, a distance of 1,634.493 metres to the southeasterly limit of Shellard Lane;

THENCE south 50° 35' west along the southeasterly limit of Shellard Lane 110.96 metres to the southeasterly production of the southerly limit of the lands described in Registered Instrument Number A37439 for the Township of Brantford;

THENCE westerly to and along the southerly limit of the lands of the said Ontario Water Resources to the easterly angle of the lands of the Ontario Water Resources described in Registered Instrument Number A37389;

THENCE southwesterly and northwesterly along the southerly limits of the last mentioned lands to the southeasterly limit of Block 4 in the Kerr Tract in the Township of Brantford;

THENCE southwesterly along the southeasterly limit of the said Block 4 to the northeasterly limit of the lands of A. and M. House described in Registered Instrument Number A125471;

THENCE northwesterly along the northeasterly limit of the said lands of A. and M. House and the northwesterly prolongation thereof to the northwesterly limit of the right-of-way of the Canadian National Railway;

THENCE northeasterly along the northwesterly limit of the said Railway right-of-way to the westerly limit of the lands of Bruce Patterson described in Registered Instrument Number 39657;

THENCE northerly along the westerly limit of the lands of Bruce Patterson and the northerly prolongation thereof to the centre line of the King's Highway No. 53;

THENCE easterly along the centre line of the said Highway No. 53 to the westerly boundary of the City of Brantford;

THENCE southeasterly along the boundaries between the City of Brantford and the Township of Brantford to the point of commencement;

FIFTHLY, part of the Township of Brantford, commencing at the intersection of the easterly limit of Johnson Road and the southerly limit of the King's Highway No. 403;

THENCE easterly along the southerly limit of the said Highway No. 403 to the southerly limit of the right-of-way of the Toronto, Hamilton and Buffalo Railway;

THENCE westerly along the southerly limit of the said Railway right-of-way to the northerly prolongation of the easterly limit of Lot 15 as shown on Registered Plan No. 29;

THENCE southerly to and along the easterly limit of the said Lot 15 to the southeasterly angle of the said Lot 15;

THENCE southerly along the southerly prolongation of the easterly limit of the said Lot 15 to the middle of the main channel of the Grand River;

THENCE westerly along the middle of the said channel to the southeasterly angle of the City of Brantford;

THENCE northeasterly following along the boundaries between the City of Brantford and the Township of Brantford to the point of commencement;

SIXTHLY, part of Lots 26 and 27 in Concession II of the said Township of Brantford which, premising that all bearings herein are astronomic and referred to the bearing of the southern limit of the northern half of the said Lots being N. 77° 13' 30" E. shown on a Reference Plan deposited in the Land Registry Office for the

Registry Division of Brant (No. 2) as Plan 2R-1324, more particularly described as follows:

COMMENCING at the southeasterly angle of the north half of Lot 27 in Concession II of the Township of Brantford;

THENCE south $77^{\circ} 13' 30''$ west along the southerly limit of the north half of Lots 27 and 26 a distance of 811.338 metres to the southwesterly angle of the north half of Lot 26;

THENCE north $16^{\circ} 06'$ west along the said Lot a distance of 256.770 metres;

THENCE north $77^{\circ} 13' 30''$ east 403.665 metres to a point in the western limit of the said Lot 27;

THENCE north $15^{\circ} 55' 30''$ west 100 metres to a point;

THENCE north $77^{\circ} 13' 30''$ east 90 metres to a point;

THENCE north $49^{\circ} 51' 20''$ east 169.588 metres to a point;

THENCE north $77^{\circ} 13' 30''$ east 160.078 metres to a point in the easterly limit of the said Lot 27;

THENCE south $16^{\circ} 21' 50''$ east along the easterly limit of the said Lot, a distance of 435 metres to the point of commencement.

SCHEDULE B

AREAS TO BE ANNEXED TO THE CITY OF BRANTFORD ON THE 1ST DAY OF JANUARY, 1996

The portion of the Township of Brantford described as follows:

COMMENCING at the intersection of the left bank of the Grand River facing downstream and the centre line of the King's Highway No. 403;

THENCE easterly along the centre line of the said Highway No. 403 to the northeasterly limit of the right-of-way of the Canadian National Railway;

THENCE northwesterly along the northeasterly limit of the said Railway right-of-way to intersect a line parallel with and distant 45.720 metres measured southerly at right angles from the northerly limit of Concession II in the Township of Brantford;

THENCE westerly along the said parallel line to the easterly limit of Lot 18 in the said Concession II;

THENCE southerly along the easterly limit of Lot 18 to intersect a line parallel with and distant 121.920 metres measured southerly at right angles from the northerly limit of the said Concession II;

THENCE westerly along the said parallel line to the left bank of the Grand River facing downstream;

THENCE southerly along the said left bank to the point of commencement.

SCHEDULE C

RESTRICTED TO AGRICULTURE AND RELATED USES AREA

That part of the Township of Brantford commencing at the northwest angle of Lot 24, Concession I;

THENCE easterly along the south limit of Highways No. 5 and 99 to the middle line of Fairchilds Creek in Lot 46, Concession I;

THENCE following the middle line of Fairchilds Creek downstream through all its turnings to the boundary between the Township of Brantford and the Township of Onondaga;

THENCE westerly following said boundary to a point on the south limit of Old Onondaga Road, said point being on a line drawn at right angles to Old Onondaga Road and intersecting the north limit of Old Onondaga Road and its intersection with the west limit of an unnamed road allowance extending northerly into the John Westbrook Grant from Old Onondaga Road;

THENCE northerly at right angles from Old Onondaga Road to the point of intersection of the unnamed road allowance and the north limit of Old Onondaga Road;

THENCE north 10 degrees east 122.53 metres to a point;

THENCE south 77 degrees 23 minutes east 96.50 metres to a point;

THENCE north 26 degrees 45 minutes east 282.21 metres to a point;

THENCE north 62 degrees 48 minutes west 251.49 metres to a point;

THENCE north 63 degrees 40 minutes west 249.372 metres to a point;

THENCE north 64 degrees 6 minutes west 39.11 metres to a point;

THENCE north 25 degrees 54 minutes east to a point on the limit of the Grand River Conservation Authority flood plain for Fairchilds Creek;

THENCE following said limit northeasterly to its point of intersection with the west limit of the Brant School Road;

THENCE northwesterly following the west limit of Brant School Road and its projection to the north side of the King's Highway No. 2;

THENCE easterly following the north limit of the said Highway No. 2 to the southwest angle of the Township Cemetery Plot in the Daniel Hawley Tract;

THENCE north following the west limit of the Township Cemetery Plot to the middle line of Fairchilds Creek;

THENCE following the middle line of Fairchilds Creek upstream to a point distant 121.92 metres measured northerly at right angles from the northerly limit of Highway No. 2;

THENCE westerly parallel with the north limit of Highway No. 2 to a point distant 121.92 metres easterly from the east limit of Papple Road;

THENCE northerly parallel to Papple Road to the south limit of the Toronto, Hamilton and Buffalo Railway;

THENCE southwesterly along the south limit of the said Railway to its point of intersection with the west limit of the King's Highway No. 403;

THENCE following the west limit of the said Highway No. 403 and also the existing City boundary and its extension to the north limit of Lynden Road;

THENCE westerly along the north limit of Lynden Road to the southwest angle of Lot 42, Concession II, being the existing City boundary;

THENCE following the existing City boundary to the south limit of Powerline Road;

THENCE westerly along the south limit of Powerline Road to a point distant 79.86 metres east of the eastern boundary of Francis Street;

THENCE northerly at right angles 117.65 metres to a point;

THENCE westerly parallel with the north limit of Powerline Road to a point distant 91.44 metres measured easterly at right angles from the east limit of the King's Highway No. 24;

THENCE northerly parallel with Highway No. 24 to a point, said point being drawn on a line at right angles from the said Highway No. 24 and measured 620.77 metres northerly along the centreline of said road from the south limit of Powerline Road;

THENCE westerly at right angles from the said Highway No. 24, 91.44 metres to the east limit of the said Highway;

THENCE southerly along the easterly limit of the said Highway to the south limit of Powerline Road;

THENCE westerly following the south limit of Powerline Road to the northeast angle of Lot 27, Concession II;

THENCE south $16^{\circ} 21' 50''$ east along the easterly limit of Lot 27 to a point distant 435 metres measured northerly therealong from the southeasterly angle of the north half of the said Lot;

THENCE south $77^{\circ} 13' 30''$ west 160.078 metres to a point;

THENCE south $49^{\circ} 51' 20''$ west 169.588 metres to a point;

THENCE south $77^{\circ} 13' 30''$ west 90 metres to the westerly limit of Lot 27;

THENCE south $15^{\circ} 55' 30''$ east along the said westerly limit 100 metres to a point;

THENCE south $77^{\circ} 13' 30''$ west 403.665 metres to the westerly limit of Lot 26 in the said Concession II;

THENCE south $16^{\circ} 06'$ east along the westerly limit of the said Lot, 256.77 metres to the southwesterly angle of the north half of the said Lot 26;

THENCE southerly along the west limit of Lot 26 to the centre line of the King's Highway No. 403;

THENCE westerly along the centre line of the said Highway 403 to the north limit of the Canadian National Railway line;

THENCE northwesterly along the northerly limit of the said Railway to a line parallel with and distant 45.72 metres measured southerly at right angles from the southerly limit of Powerline Road;

THENCE westerly and parallel with the southerly limit of Powerline Road to a point on the westerly limit of Oak Park Road;

THENCE southerly along the westerly limit of Oak Park Road 76.20 metres to a point;

THENCE westerly parallel with the southerly limit of Powerline Road to the left bank of the Grand River facing downstream;

THENCE following the said left bank of the Grand River facing downstream through its various turnings to the existing City boundary and following the said boundary to a point that lies on the extension of the limit between Blocks 2 and 3 in the Kerr Tract, also being the existing City boundary;

THENCE following the existing City boundary southerly and westerly and continuing along the middle line of Oak Hill Drive to the southerly extension of the east limit of Jennings Road;

THENCE northerly along the east limit of Jennings Road to a point lying on the mid line of Concession IV;

THENCE westerly following the centre line of Concession IV to a point on the west limit of the Airport lands owned by the City of Brantford;

THENCE southerly along the west limit of the Airport lands and its extension to a point 121.92 metres south of the south limit of the King's Highway No. 53;

THENCE easterly parallel with Highway No. 53 to a point on the centre line in Lot 15, Concession V;

THENCE southerly parallel with the west limit of Lot 15 to a point on the northerly limit of Block 1 in the Kerr Tract;

THENCE easterly following the north limit of the Kerr Tract to the southeast angle of Lot 16, Concession V;

THENCE northerly along the east limit of Lot 16, Concession V to a point in the southerly limit of the King's Highway No. 53;

THENCE easterly along the southerly limit of the said Highway No. 53 to the westerly limit of Pleasant Ridge Road;

THENCE southerly along the west limit of Pleasant Ridge Road to the southerly limit of the Canadian National Railway right-of-way;

THENCE northeasterly along the southeasterly limit of the said Railway to the northeasterly limit of the lands of A. and M. House described in Registered Instrument Number A125471;

THENCE southeasterly along the northeasterly limit of the said lands to the northwesterly limit of Block 5 in the Kerr Tract;

THENCE northeasterly along the northwesterly limit of the said Block 5 to the westerly angle of the lands of the Ontario Water Resources described in Registered Instrument Number A37389;

THENCE southeasterly along the southwesterly limit of the Ontario Water Resources described in Instrument numbers A37389 and A37439 to the northwesterly limit of Shellard Lane;

THENCE south 39° 25' east to the southeasterly limit of Shellard Lane;

THENCE north $50^{\circ} 35'$ east along the said southeasterly limit to the westerly angle of lands described in Registered Instrument Number A163668;

THENCE south $63^{\circ} 11' 45''$ east along the southwesterly limit of the said lands 1,634.493 metres to the easterly limit of the lands of the Lake Erie and Northern Railway;

THENCE following the east limit of said railway to the easterly limit of Conklin Road;

THENCE southerly following the easterly limit of Conklin Road to the southerly limit of Mt. Pleasant Road;

THENCE easterly along the southerly limit of Mt. Pleasant Road 244.75 metres to a point;

THENCE south 37 degrees 41 minutes east 489.45 metres to a point;

THENCE easterly in a straight line to the southwest angle of Registered Plan 966;

THENCE easterly following the southerly limit of said plan to the southeast angle of Registered Plan 966;

THENCE northerly following the easterly limit of said plan and its extension to the middle line of the Grand River;

THENCE following the middle line of the Grand River downstream through all its turnings to a point distant 152.4 metres measured southerly at right angles from the southerly limit of Blossom Avenue;

THENCE following a line parallel with and distant 152.4 metres from the southerly limit of Blossom Avenue and its proposed extension from Mt. Pleasant Road to Pleasant Ridge Road to a point on the westerly limit of Pleasant Ridge Road;

THENCE following a line parallel with and distant 152.4 metres from the southerly limit of Arthur Road to a point on the east limit of the King's Highway No. 24;

THENCE northerly following the easterly limit of the said Highway No. 24 to the northerly limit of Robinson Road;

THENCE easterly along the northerly limit of Robinson Road to the easterly limit of Pottruff Road;

THENCE northerly along the easterly limit of Pottruff Road to the southerly limit of Powerline Road;

THENCE easterly following the south limit of Powerline Road to the southwest angle of Lot 24, Concession I;

THENCE northerly along the west limit of Lot 24 to the point of commencement.

SAVING AND EXCEPTING all those lands described as Lot 22 in Registered Plan 594.

SCHEDULE D

MUTUAL PLANNING ADVISORY COMMITTEE AREA

a) NORTH

COMMENCING at the northeast angle of Lot 40, Concession II;

THENCE westerly along the south side of Powerline Road to a point 79.86 metres easterly of the easterly limit of Francis Street;

THENCE northerly at right angles 117.65 metres to a point;

THENCE westerly parallel with the north limit of Powerline Road to a point distant 91.44 metres from the easterly limit of the King's Highway No. 24;

THENCE northerly and parallel with the said Highway No. 24 to a point, the said point being drawn on a line at right angles from the said Highway No. 24 distant 620.27 metres measured northerly from the centreline of said road from the south limit of Powerline Road;

THENCE westerly at right angles from the said Highway No. 24, 91.44 metres to the easterly limit of said Highway;

THENCE southerly along said easterly limit to the southerly limit of Powerline Road;

THENCE westerly following the southerly limit of Powerline Road to the northwest angle of Lot 28 in Concession II;

THENCE south $16^{\circ} 21' 50''$ east along the easterly limit of Lot 27 to a point distant 435.00 metres measured northerly therealong from the southeasterly angle of the north half of the said Lot;

THENCE south $77^{\circ} 13' 30''$ west 160.078 metres to a point;

THENCE south $49^{\circ} 51' 20''$ west 169.588 metres to a point;

THENCE south $77^{\circ} 13' 30''$ west 90.00 metres to the westerly limit of Lot 27;

THENCE south $15^{\circ} 55' 30''$ east along the said westerly limit 100.00 metres to a point;

THENCE south $77^{\circ} 13' 30''$ west 403.665 metres to the westerly limit of Lot 26 in the said Concession II;

THENCE south $16^{\circ} 06'$ east along the westerly limit of the said Lot, 256.77 metres to the southwestly angle of the north half of the said Lot 26;

THENCE easterly to the southeast angle of the north half of Lot 28 in Concession II;

THENCE easterly following the existing City boundary to a point distant 336.71 metres more or less west of the western limit of the King's Highway No. 24 as widened;

THENCE southerly and parallel with the westerly limit of Lot 30 in Concession II, 314.0 metres more or less to a point;

THENCE easterly on a bearing of north $77^{\circ} 00'$ minutes east 140.74 metres to a point;

THENCE northerly on a bearing of north 15 degrees 39 minutes west 60.56 metres to a point;

THENCE easterly on a bearing of north 76 degrees 53 minutes east 100.22 metres to a point;

THENCE northerly on a bearing of north 14 degrees 25 minutes west 19.93 metres to a point;

THENCE easterly on a bearing of north 77 degrees 4 minutes east 95.28 metres more or less to a point on the westerly limit of the said Highway No. 24 as widened, said point being in the boundary between the City of Brantford and the Township of Brantford;

THENCE southerly and easterly following the existing City Boundary along its various courses and distances to its point of intersection with the southeasterly angle of the Rosewood Garden Subdivision Plan being the southeasterly angle of Lot 10, Registered Plan 1521;

THENCE following the former City-Township boundary prior to the 1974 annexation to its point of intersection with the existing City boundary (Garden Avenue);

THENCE continuing southerly along the existing boundary to its point of intersection with the centreline of the Grand River;

THENCE along the middle line of the Grand River downstream to its point of intersection with the boundary between the Township of Onondaga and the Township of Brantford;

THENCE following said boundary through its various courses and distances to a point on the south limit of Old Onondaga Road, said point being on a line drawn at right angles from Old Onondaga Road and intersecting the northerly limit of Old Onondaga Road and its intersection with the westerly limit of an unnamed road allowance extending northerly into the John Westbrook Grant from the Old Onondaga Road;

THENCE northerly at right angles from the Old Onondaga Road to the point of intersection of the unnamed road allowance and the northerly limit of Old Onondaga Road;

THENCE north 10 degrees east 122.53 metres to a point;

THENCE south 77 degrees 23 minutes east 96.50 metres to a point;

THENCE north 26 degrees 45 minutes east 282.21 metres to a point;

THENCE north 62 degrees 48 minutes west 251.49 metres to a point;

THENCE north 63 degrees 40 minutes west 249.37 metres to a point;

THENCE north 64 degrees 6 minutes west 39.11 metres to a point;

THENCE north 25 degrees 54 minutes east to a point on the limit of the Grand River Conservation Authority Flood Plain for Fairchild's Creek;

THENCE following said limit northeasterly to its point of intersection with the westerly limit of Brant School Road;

THENCE following the westerly limit of Brant School Road and its projection to the north side of the King's Highway No. 2;

THENCE easterly following the north limit of the said Highway No. 2 to the southwest angle of the Township Cemetery Plot in the Daniel Hawley Tract;

THENCE north following the west limit of the Township Cemetery Plot to the middle line of Fairchilds Creek;

THENCE following the middle line of Fairchilds Creek upstream to a point distant 121.92 metres measured northerly at right angles from the northerly limit of the said Highway No. 2;

THENCE westerly parallel to the north limit of King's Highway No. 2 to a point distant 121.92 metres easterly from the easterly limit of Papple Road;

THENCE northerly parallel to Papple Road to the south limit of the Toronto, Hamilton and Buffalo Railway;

THENCE southwesterly along the southerly limit of the said Railway to the westerly limit of the King's Highway No. 403;

THENCE following the west limit of the said Highway 403 and also the existing City boundary and its extension to the north limit of Lynden Road;

THENCE westerly along the northerly limit of Lynden Road to the existing City boundary;

THENCE following said boundary to the point of commencement.

b) NORTHWEST

COMMENCING at the intersection of a line between Lots 25 and 26 in Concession II and the centre line of the King's Highway No. 403;

THENCE westerly along the centre line of the said Highway No. 403 to the northerly limit of the Canadian National Railway right-of-way;

THENCE northwesterly along the northerly limit of the said Canadian National Railway to its point of intersection with a line drawn at right angles from the south limit of Powerline Road and distant 45.72 metres measured east-westerly therefrom;

THENCE westerly and parallel to the south limit of Powerline Road to a point on the west limit of Oak Park Road;

THENCE southerly along the west limit of Oak Park Road 76.2 metres to a point;

THENCE westerly parallel with the southerly limit of Powerline Road to the left bank of the Grand River facing downstream;

THENCE following the left bank of the Grand River downstream through its various turnings to its point of intersection with the existing City boundary being also the limit between Lots 25 and 26 in Concession III;

THENCE northerly along said boundary to the point of commencement.

c) SOUTHWEST

COMMENCING at a point in the mid line of the Grand River and its intersection with the extension of the limit between Blocks 2 and 3 in the Kerr Tract, also being the existing City boundary;

THENCE following the existing City boundary southerly and westerly and continuing along the middle line of Oak Hill Drive to the southerly extension of the east limit of Jennings Road;

THENCE northerly along the east limit of Jennings Road to a point lying on the mid line of Concession IV;

THENCE westerly following the centre line of Concession IV to a point on the west limit of the Airport lands owned by the City of Brantford;

THENCE southerly along the west limit of the Airport lands and its extension to a point 121.92 metres south of the south limit of the King's Highway No. 53;

THENCE easterly parallel with Highway No. 53 to a point on the centre line in Lot 15, Concession V;

THENCE southerly parallel with the west limit of Lot 15 to a point on the northerly limit of Block 1 in the Kerr Tract;

THENCE easterly following the north limit of the Kerr Tract to the southeast angle of Lot 16, Concession V;

THENCE northerly along the east limit of Lot 16, Concession V to a point in the southerly limit of the King's Highway No. 53;

THENCE easterly along the southerly limit of the said Highway No. 53 to the westerly limit of Pleasant Ridge Road;

THENCE southerly along the west limit of Pleasant Ridge Road to the southerly limit of the Canadian National Railway right-of-way;

THENCE northeasterly along the southeasterly limit of the said Railway to northeasterly limit of the lands of A. and M. House described in Registered Instrument Number A125471;

THENCE southeasterly along the northeasterly limit of the said lands to the northwesterly limit of Block 5 in the Kerr Tract;

THENCE northeasterly along the northwesterly limit of the said Block 5 to the westerly angle of the lands of the Ontario Water Resources described in Registered Instrument Number A37389;

THENCE southeasterly along the southwesterly limit of the Ontario Water Resources described in Instrument Number A37389 and A37439 to the northwesterly limit of Shellard Lane;

THENCE south 39° 25' east to the southeasterly limit of Shellard Lane;

THENCE north 50° 35' east along the said southeasterly limit to the westerly angle of lands described in Registered Instrument Number A163668;

THENCE south 63° 11' 45" east along the southwesterly limit of the said lands 1,634.493 metres to the easterly limit of the lands of the Lake Erie and Northern Railway;

THENCE following the easterly limit of said railway to its point of intersection with the easterly limit of Conklin Road;

THENCE southerly following the east limit of Conklin Road to the southerly limit of Mt. Pleasant Road;

THENCE easterly along the southerly limit of Mt. Pleasant Road 244.75 metres to a point;

THENCE south 37 degrees 41 minutes east 489.45 metres to a point;

THENCE easterly in a straight line to the southwest angle of Registered Plan 966;

THENCE easterly following the southern limit of said plan to the southeast angle of Registered Plan 966;

THENCE northerly following the east limit of said plan and its extension to the middle line of the Grand River;

THENCE following the existing City boundary to the north limit of Bell Lane;

THENCE northwesterly in a straight line to the point of intersection of the Canadian National Railway right-of-way and Colborne Street West;

THENCE due north to the middle line of the Grand River;

THENCE following the middle line of the Grand River upstream to the point of commencement.

And together with all those lands described as Lot 22 in Registered Plan 594.

An Act respecting
the City of Brantford, the Township
of Brantford and the County of Brant

1st Reading

June 12th, 1980

2nd Reading

June 17th, 1980

3rd Reading

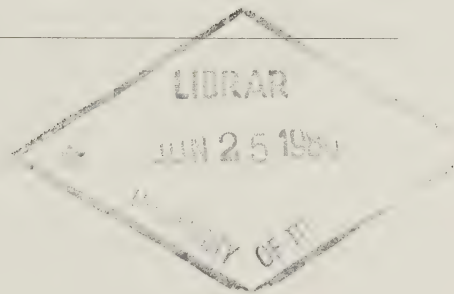
June 19th, 1980

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980 *Legislation Amendment*

An Act to vest Certain Lands in
The Regional Municipality of Ottawa-Carleton

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill vests certain lands in The Regional Municipality of Ottawa-Carleton for the purposes of a transit way. Provision is made for the payment of compensation in an amount to be agreed upon. Failing agreement, the Land Compensation Board is empowered to determine the amount of the compensation.

BILL 121

1980

An Act to vest Certain Lands in The Regional Municipality of Ottawa-Carleton

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Regional Corporation" means The Regional Municipality of Ottawa-Carleton. Interpre-
tation

2. The lands and the interests therein described in Schedules A, B and C are hereby vested in the Regional Corporation and the Regional Corporation is entitled to possession thereof. Lands
vested in
Regional
Corporation

3.—(1) The Regional Corporation shall pay to the owner of the lands mentioned in Schedules A, B and C such compensation therefor as may be agreed upon. Compensation

(2) Where the Regional Corporation and the owner fail to agree on the amount of compensation to be paid, either the Regional Corporation or the owner may apply to the Land Compensation Board to determine the amount of compensation and the Board shall, in accordance as nearly as may be with the provisions of *The Expropriations Act*, determine the compensation to be paid and the Board's determination is final. Application
to Land
Compensation
Board

R.S.O. 1970,
c. 154

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. The short title of this Act is *The Regional Municipality of Ottawa-Carleton Land Acquisition Act, 1980*. Short title

SCHEDULE A

Lands vested in fee simple.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa, in The Regional Municipality of Ottawa-Carleton, and Province of Ontario, and being composed of all that portion of Lot "G" in Concession "D", Rideau Front, formerly in the Township of Nepean, and now in the City of Ottawa, designated as Parts 1, 2, 4, 5, 7 and 8 on a Plan deposited in the Registry Office for the Registry Division of Ottawa-Carleton (No. 5) as 5R-5009.

SUBJECT TO an easement as set out in Instrument Number 498339, registered in the said Registry Office, over the said Parts 5 and 8, and

SUBJECT TO a right-of-way as set out in the said Instrument Number 498339 over the said Parts 7 and 8.

SCHEDULE B

Lands on, over and under which a permanent easement is vested for the construction, maintenance, operation and repair of underground storm and sanitary sewers.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa, in The Regional Municipality of Ottawa-Carleton, and Province of Ontario, and being composed of all that portion of Lot "G" in Concession "D", Rideau Front, formerly in the Township of Nepean, and now in the City of Ottawa, designated as Parts 3 and 6 on a Plan deposited in the Registry Office for the Registry Division of Ottawa-Carleton (No. 5) as 5R-5009.

SCHEDULE C

Lands on, over and under which a temporary easement is vested for construction purposes to facilitate the construction of a transit way on the lands described in Schedules A and B until such construction has been completed.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa, in The Regional Municipality of Ottawa-Carleton, and Province of Ontario, and being composed of all that portion of Lot "G" in Concession "D", Rideau Front, formerly in the Township of Nepean, and now in the City of Ottawa, designated as Parts 1 and 2 on a Plan deposited in the Registry Office for the Registry Division of Ottawa-Carleton (No. 5) as 5R-5015 and Parts 3 and 6 on a Plan deposited in the Registry Office for the Registry Division of Ottawa-Carleton (No. 5) as 5R-5009.

An Act to vest
Certain Lands in The Regional
Municipality of Ottawa-Carleton

1st Reading

June 12th, 1980

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

BILL 121

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

**An Act to vest Certain Lands in
The Regional Municipality of Ottawa-Carleton**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 121

1980

An Act to vest Certain Lands in The Regional Municipality of Ottawa-Carleton

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, “Regional Corporation” means The Regional Municipality of Ottawa-Carleton. Interpre-
tation

2. The lands and the interests therein described in Schedules A, B and C are hereby vested in the Regional Corporation and the Regional Corporation is entitled to possession thereof. Lands
vested in
Regional
Corporation

3.—(1) The Regional Corporation shall pay to the owner of the lands mentioned in Schedules A, B and C such compensation therefor as may be agreed upon. Compensation

(2) Where the Regional Corporation and the owner fail to agree on the amount of compensation to be paid, either the Regional Corporation or the owner may apply to the Land Compensation Board to determine the amount of compensation and the Board shall, in accordance as nearly as may be with the provisions of *The Expropriations Act*, determine the compensation to be paid and the Board’s determination is final. Application
to Land
Compensation
Board

R.S.O. 1970,
c. 154

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. The short title of this Act is *The Regional Municipality of Ottawa-Carleton Land Acquisition Act, 1980*. Short title

SCHEDULE A

Lands vested in fee simple.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa, in The Regional Municipality of Ottawa-Carleton, and Province of Ontario, and being composed of all that portion of Lot "G" in Concession "D", Rideau Front, formerly in the Township of Nepean, and now in the City of Ottawa, designated as Parts 1, 2, 4, 5, 7 and 8 on a Plan deposited in the Registry Office for the Registry Division of Ottawa-Carleton (No. 5) as 5R-5009.

SUBJECT TO an easement as set out in Instrument Number 498339, registered in the said Registry Office, over the said Parts 5 and 8, and

SUBJECT TO a right-of-way as set out in the said Instrument Number 498339 over the said Parts 7 and 8.

SCHEDULE B

Lands on, over and under which a permanent easement is vested for the construction, maintenance, operation and repair of underground storm and sanitary sewers.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa, in The Regional Municipality of Ottawa-Carleton, and Province of Ontario, and being composed of all that portion of Lot "G" in Concession "D", Rideau Front, formerly in the Township of Nepean, and now in the City of Ottawa, designated as Parts 3 and 6 on a Plan deposited in the Registry Office for the Registry Division of Ottawa-Carleton (No. 5) as 5R-5009.

SCHEDULE C

Lands on, over and under which a temporary easement is vested for construction purposes to facilitate the construction of a transit way on the lands described in Schedules A and B until such construction has been completed.

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Ottawa, in The Regional Municipality of Ottawa-Carleton, and Province of Ontario, and being composed of all that portion of Lot "G" in Concession "D", Rideau Front, formerly in the Township of Nepean, and now in the City of Ottawa, designated as Parts 1 and 2 on a Plan deposited in the Registry Office for the Registry Division of Ottawa-Carleton (No. 5) as 5R-5015 and Parts 3 and 6 on a Plan deposited in the Registry Office for the Registry Division of Ottawa-Carleton (No. 5) as 5R-5009.

BILL 121

An Act to vest
Certain Lands in The Regional
Municipality of Ottawa-Carleton

1st Reading

June 12th, 1980

2nd Reading

June 17th, 1980

3rd Reading

June 19th, 1980

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

BILL 122

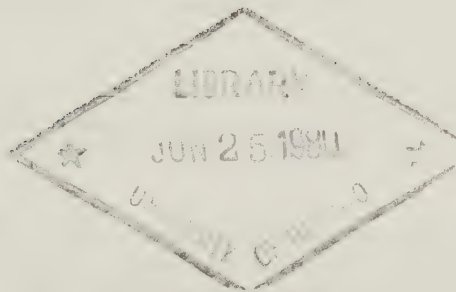
Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO

29 ELIZABETH II, 1980 *Legislature Assembly*

An Act respecting the Police Village of St. George

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

The purposes of this Bill are:

1. To expand the area of the Police Village of St. George for the period from the 1st day of July, 1980 until the 31st day of December, 1980, thereby permitting the trustees of the Police Village to supply hydro-electric power to a proposed subdivision adjacent to the Police Village.
2. To dissolve the Police Village of St. George effective the 1st day of January, 1981.
3. To establish, effective the 1st day of January, 1981,
 - (i) a hydro-electric commission for the area of the former Police Village,
 - (ii) an urban service area for the provision of garbage collection, street lighting, sidewalks and sewer and water services.

BILL 122

1980

An Act respecting the Police Village of St. George

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Effective the 1st day of July, 1980, the area of the Police Village of St. George is increased by adding to it the lands described in the Schedule hereto.

Area
increased

2. Notwithstanding the provisions of *The Municipal Elections Act, 1977*, there shall not be a general election in the year 1980 for the purpose of electing trustees for the Police Village of St. George.

No
election
in 1980
1977, c. 62

3. The trustees of the Police Village of St. George in office on the 30th day of November, 1980 shall continue in office until the 31st day of December, 1980.

Trustees
continued
in office

4. The Police Village of St. George is dissolved on the 1st day of January, 1981.

Police
Village
dissolved

5.—(1) In this section, "Commission" means The Hydro-Electric Commission of South Dumfries established under subsection 2.

Interpre-
tation

(2) A hydro-electric commission, to be known as The Hydro-Electric Commission of South Dumfries, is hereby established for the area of the Police Village of St. George as it existed on the 31st day of December, 1980.

Commission
established

(3) The Commission shall be deemed to be a commission established under Part III of *The Public Utilities Act* and shall be deemed to be a local board of the Township of South Dumfries.

Application of
R.S.O. 1970,
c. 390,
local board

(4) The Commission shall consist of the reeve of the Township of South Dumfries, who shall be an *ex officio* member, and three other members appointed by the council of the said Township

Composition
of
Commission,
term of
office

from among the persons eligible to be elected to municipal office who reside in the area served by the Commission and a member of the Commission shall hold office for the same term as the members of council or until his successor is appointed.

First
Commission

(5) Notwithstanding subsection 4, for the term ending on the 30th day of November, 1982, the members of the Commission shall be the reeve of the Township of South Dumfries, who shall be an *ex officio* member, and the Trustees of the Police Village of St. George in office on the 31st day of December, 1980.

Commis-
sioners not
ineligible
for election

(6) A member of the Commission is not disqualified to be elected as a member of a municipal council or to sit on or vote therein only by reason of being a member of the Commission.

Assets and
liabilities
transferred
to
Commission

(7) All the assets and liabilities of and pertaining to the hydro-electric distribution system of the Police Village of St. George as it existed on the 31st day of December, 1980 shall be assumed on the 1st day of January, 1981 by the Commission.

Urban
service area
established

6. The area of the Police Village of St. George as it existed on the 31st day of December, 1980 is hereby established as an urban service area for the provision of garbage collection, street lighting, sidewalks and sewer and water services.

Deemed
orders of
O.M.B.

7. For the purposes of every Act, the dissolution provided for in section 4 and the establishment of the urban service area provided for in section 6 shall be deemed to have been effected by orders of the Ontario Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of that Act, pursuant to applications made under section 25 of *The Municipal Act* and, subject to the provisions of this Act, the Ontario Municipal Board, upon the application of the Township of South Dumfries or any local board thereof or of its own motion, may exercise its powers consequent upon such dissolution or establishment, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

R.S.O. 1970,
cc. 323, 284

Commence-
ment

8.—(1) This Act, except sections 5 and 6, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 5 and 6 come into force on the 1st day of January, 1981.

Short title

9. The short title of this Act is *The Police Village of St. George Act, 1980*.

SCHEDULE

THAT portion of the Township of South Dumfries described as follows:

COMMENCING at a point in the easterly limit of Lot 6 in Concession II of the Township of South Dumfries distant 56.327 metres measured southerly therealong from the northeasterly angle of the said Lot 6;

THENCE southerly along the easterly limit of the said Lot 6 a distance of 600.87 metres to the northerly angle of Part 1 as shown on a Plan deposited in the Land Registry Office for the Land Registry Division of Brant (No. 2) as Number 2R-1248;

THENCE southeasterly along the northeasterly limit of the said Part 1 a distance of 205.167 metres to the line between the north and south half of Lot 5 in the said Concession II;

THENCE southerly along the easterly limit of Part 2 as shown on the said Plan Numbered 2R-1248 to the southerly limit of the said Part 2;

THENCE westerly along the southerly limit of the said Part 2 to the easterly limit of the said Lot 6;

THENCE southerly along the easterly limit of the said Lot 6 to the easterly prolongation of the southerly limit of a Plan registered in the said Land Registry Office as Number 81;

THENCE westerly along the easterly prolongation of the southerly limit of the said Plan Number 81 to the southeasterly angle of the said Plan;

THENCE northerly along the easterly limit of the said Plan Number 81 to the northeasterly angle of Block R as shown on the said Plan Number 81;

THENCE northerly and parallel with the westerly limit of the said Lot 6 a distance of 438.159 metres to a point;

THENCE easterly and parallel with the northerly limit of the said Lot 6 a distance of 65.242 metres to a point;

THENCE northerly 150.69 metres to the southwesterly angle of Lot 2, Block T as shown on the said Plan Number 81;

THENCE easterly along the southerly limit of the said Lot 2 of the said Block T to the southeasterly angle of the said Lot 2;

THENCE easterly and parallel with the northerly limit of Lot 6 in the said Concession II a distance of 213.275 metres to the point of commencement.

BILL 122

An Act respecting
the Police Village of St. George

1st Reading

June 12th, 1980

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

3
F BILL 122

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Ass. 122

An Act respecting the Police Village of St. George

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



BILL 122

1980

An Act respecting the Police Village of St. George

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Effective the 1st day of July, 1980, the area of the Police Village of St. George is increased by adding to it the lands described in the Schedule hereto.

Area
increased

2. Notwithstanding the provisions of *The Municipal Elections Act, 1977*, there shall not be a general election in the year 1980 for the purpose of electing trustees for the Police Village of St. George.

No
election
in 1980
1977, c. 62

3. The trustees of the Police Village of St. George in office on the 30th day of November, 1980 shall continue in office until the 31st day of December, 1980.

Trustees
continued
in office

4. The Police Village of St. George is dissolved on the 1st day of January, 1981.

Police
Village
dissolved

5.—(1) In this section, "Commission" means The Hydro-Electric Commission of South Dumfries established under subsection 2.

Interpre-
tation

(2) A hydro-electric commission, to be known as The Hydro-Electric Commission of South Dumfries, is hereby established for the area of the Police Village of St. George as it existed on the 31st day of December, 1980.

Commission
established

(3) The Commission shall be deemed to be a commission established under Part III of *The Public Utilities Act* and shall be deemed to be a local board of the Township of South Dumfries.

Application of
R.S.O. 1970,
c. 390,
local board

(4) The Commission shall consist of the reeve of the Township of South Dumfries, who shall be an *ex officio* member, and three other members appointed by the council of the said Township

Composition
of
Commission,
term of
office

from among the persons eligible to be elected to municipal office who reside in the area served by the Commission and a member of the Commission shall hold office for the same term as the members of council or until his successor is appointed.

First
Commission

(5) Notwithstanding subsection 4, for the term ending on the 30th day of November, 1982, the members of the Commission shall be the reeve of the Township of South Dumfries, who shall be an *ex officio* member, and the Trustees of the Police Village of St. George in office on the 31st day of December, 1980.

Commis-
sioners not
ineligible
for election

(6) A member of the Commission is not disqualified to be elected as a member of a municipal council or to sit on or vote therein only by reason of being a member of the Commission.

Assets and
liabilities
transferred
to
Commission

(7) All the assets and liabilities of and pertaining to the hydro-electric distribution system of the Police Village of St. George as it existed on the 31st day of December, 1980 shall be assumed on the 1st day of January, 1981 by the Commission.

Urban
service area
established

6. The area of the Police Village of St. George as it existed on the 31st day of December, 1980 is hereby established as an urban service area for the provision of garbage collection, street lighting, sidewalks and sewer and water services.

Deemed
orders of
O.M.B.

7. For the purposes of every Act, the dissolution provided for in section 4 and the establishment of the urban service area provided for in section 6 shall be deemed to have been effected by orders of the Ontario Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of that Act, pursuant to applications made under section 25 of *The Municipal Act* and, subject to the provisions of this Act, the Ontario Municipal Board, upon the application of the Township of South Dumfries or any local board thereof or of its own motion, may exercise its powers consequent upon such dissolution or establishment, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

R.S.O. 1970,
cc. 323, 284

Commence-
ment

8.—(1) This Act, except sections 5 and 6, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 5 and 6 come into force on the 1st day of January, 1981.

Short title

9. The short title of this Act is *The Police Village of St. George Act, 1980*.

SCHEDULE

THAT portion of the Township of South Dumfries described as follows:

COMMENCING at a point in the easterly limit of Lot 6 in Concession II of the Township of South Dumfries distant 56.327 metres measured southerly therealong from the northeasterly angle of the said Lot 6;

THENCE southerly along the easterly limit of the said Lot 6 a distance of 600.87 metres to the northerly angle of Part 1 as shown on a Plan deposited in the Land Registry Office for the Land Registry Division of Brant (No. 2) as Number 2R-1248;

THENCE southeasterly along the northeasterly limit of the said Part 1 a distance of 205.167 metres to the line between the north and south half of Lot 5 in the said Concession II;

THENCE southerly along the easterly limit of Part 2 as shown on the said Plan Numbered 2R-1248 to the southerly limit of the said Part 2;

THENCE westerly along the southerly limit of the said Part 2 to the easterly limit of the said Lot 6;

THENCE southerly along the easterly limit of the said Lot 6 to the easterly prolongation of the southerly limit of a Plan registered in the said Land Registry Office as Number 81;

THENCE westerly along the easterly prolongation of the southerly limit of the said Plan Number 81 to the southeasterly angle of the said Plan;

THENCE northerly along the easterly limit of the said Plan Number 81 to the northeasterly angle of Block R as shown on the said Plan Number 81;

THENCE northerly and parallel with the westerly limit of the said Lot 6 a distance of 438.159 metres to a point;

THENCE easterly and parallel with the northerly limit of the said Lot 6 a distance of 65.242 metres to a point;

THENCE northerly 150.69 metres to the southwesterly angle of Lot 2, Block T as shown on the said Plan Number 81;

THENCE easterly along the southerly limit of the said Lot 2 of the said Block T to the southeasterly angle of the said Lot 2;

THENCE easterly and parallel with the northerly limit of Lot 6 in the said Concession II a distance of 213.275 metres to the point of commencement.

An Act respecting
the Police Village of St. George

1st Reading

June 12th, 1980

2nd Reading

June 17th, 1980

3rd Reading

June 19th, 1980

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to provide for Rescue Services in Ontario

MR. TAYLOR
(Simcoe Centre)



EXPLANATORY NOTE

The purpose of the Bill is to provide for the establishment and operation of rescue services in Ontario. The Bill applies to services held out to the public as available for the rescue of persons requiring emergency attention. The Bill provides a procedure for licensing and regulating rescue services. The Bill also provides authority to the Lieutenant Governor in Council to make regulations respecting the instruction and training of rescue service personnel.

BILL 123

1980

An Act to provide for Rescue Services in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “Board” means the Rescue Services Appeal Board established by this Act;
- (b) “Director” means the Director of the Rescue Services Branch;
- (c) “Minister” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (d) “municipality” means a metropolitan or regional municipality;
- (e) “operator” means a person or corporation, including a municipal corporation, that owns or provides a rescue service and “operate” has a corresponding meaning;
- (f) “regulations” means the regulations made under this Act;
- (g) “rescue service” means a service held out to the public as available for the rescue of persons requiring emergency attention and includes the service of dispatching rescue assistance.

2. The Minister is responsible for the administration and enforcement of this Act.

Administra-
tion of Act

3.—(1) Subject to section 8, the council of a municipality may pass by-laws for acquiring, maintaining and operating a rescue service.

Municipal
rescue
service

Agreements	(2) The Minister and the council of a municipality may enter into agreements in respect of the acquisition, maintenance and operation of a rescue service.
Designation	(3) The Minister may designate a fire department as a rescue service for the purposes of this Act.
Functions of Minister	<p>4.—(1) It is the duty of the Minister and he has power,</p> <ul style="list-style-type: none"> (a) to ensure the development throughout Ontario of a balanced and integrated system of rescue services and of effectual communications facilities; (b) to require municipalities to establish, maintain and operate rescue services and intercommunication respecting rescue services; (c) to establish, maintain and operate, alone or in co-operation with others, rescue services, intercommunication systems in connection with rescue services and storage depots for the equipment and supply of equipment for rescue services; (d) to establish and operate, alone or in co-operation with one or more organizations, institutes and centres for the training of personnel for rescue services; (e) to establish regions and districts for the purposes of rescue services and the communications facilities therefor.
Delegation	(2) The Minister may, by order, delegate the duties of the Director under this Act to the Fire Marshal of Ontario.
Order of Minister	<p>5.—(1) Upon the request of the council of a municipality, the Minister may, where he considers to do so would provide an improved rescue service to the public, by order designate the council of the municipality as the sole authority to operate a rescue service in that municipality.</p>
Effect of order	<p>(2) Where the Minister makes an order under subsection 1,</p> <ul style="list-style-type: none"> (a) any person operating a rescue service in the municipality named in the order, other than the council of the municipality, shall cease operation on or before the day set out in the order; and (b) the municipality shall pay to any person required to cease operating a rescue service as a result of the order such sum of money by way of compensation for the value

of the rescue service to the operator as is consistent with the principles of law and equity.

(3) The licence of a person who is required to cease operating a rescue service as a result of an order of the Minister made under subsection 1 shall be deemed to have been cancelled on the day set out in the order and the provisions of sections 14, 15 and 16 do not apply to such cancellation.

Licence
deemed
cancelled

(4) The Director shall not issue a licence to operate a rescue service in a municipality named in an order made under subsection 1 to any applicant other than the council of the municipality, and the provisions of sections 14, 15 and 16 do not apply to any such refusal to issue a licence.

When
Director
not to
issue
licence

(5) The Minister may rescind any order made under subsection 1 and where the Minister does so subsection 4 ceases to have effect in respect of the municipality.

Minister
may
rescind
order

6.—(1) Where agreement cannot be reached as to the sum of money to be paid by the municipality under clause *b* of subsection 2 of section 5, either the municipality or the operator of the rescue service may serve upon the other notice that the municipality or the operator, as the case may be, desires that the amount of compensation be determined by arbitration under *The Arbitrations Act* and each party shall, within seven days of the service of the notice appoint a member of a board of arbitration, and a third member who shall be chairman shall be appointed within a further seven days by the two members so appointed.

Notice
requiring
arbitration

(2) Where a board of arbitration is appointed under subsection 1, the provisions of *The Arbitrations Act* apply as though a submission had been made under that Act.

Application of
R.S.O. 1970,
c. 25

7. No application to incorporate a corporation whose objects include the operation of a rescue service shall be proceeded with until it has first received the approval of the Minister.

Minister
to approve
applications
for incor-
poration

8. No person shall operate a rescue service except under the authority of a licence issued by the Director and the Director may issue a licence upon such terms and subject to such conditions as are specified in the licence or the regulations.

Operator's
licence

9. The Director may issue a temporary licence in accordance with the regulations to operate a rescue service for a definite period of time stated in the licence.

Temporary
licence

10.—(1) The Rescue Services Appeal Board is established and shall be composed of five members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman of the Board.

Rescue
Services
Appeal
Board

Quorum	(2) Three members of the Board constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board.
Members	(3) No employee of the Government of Ontario or of any agency of the Crown shall be appointed a member of the Board.
Remuneration	(4) The members of the Board shall be paid such remuneration for their services as the Lieutenant Governor in Council determines.
Grounds for refusal to issue	<p>11. Subject to section 14, the Director may refuse to issue a licence,</p> <ul style="list-style-type: none"> (a) where the proposed operation would be in contravention of this Act or the regulations; (b) where there is no public need for the rescue service to be operated pursuant to the licence in the area where the applicant proposes to operate; (c) where the applicant is not competent to operate or financially capable of operating the rescue service reliably; or (d) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the rescue service will not be operated in accordance with law and with honesty and integrity.
Grounds for revocation, etc.	<p>12. Subject to section 14, the Director may revoke, suspend or refuse to renew a licence for any reason for which he may refuse to issue the licence if the licensee were an applicant or where the licensee has contravened this Act or the regulations or is in breach of a condition of his licence.</p>
Hearing re terms of licence	<p>13.—(1) Where the Director issues a licence under this Act and the licensee is dissatisfied with the terms and conditions thereof prescribed by the Director, the licensee may by written notice given to the Director and the Board require a hearing by the Board and the Board shall appoint a time for and hold a hearing.</p>
Powers of Board	<p>(2) Pursuant to a hearing under subsection 1, the Board may affirm the terms and conditions prescribed for the licence by the Director or may cancel such terms and conditions or may prescribe such other terms and conditions for the licence in the place of those prescribed by the Director as it considers proper and such terms and conditions shall be terms and conditions of the licence.</p>
Proposal to suspend, etc.	<p>14.—(1) Where the Director proposes to refuse to issue or renew a licence or proposes to revoke or suspend a licence, he shall</p>

serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Director and the Board, and he may so require such a hearing. Notice

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1. Powers of Director where no hearing

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purpose the Board may substitute its opinion for that of the Director. Powers of Board where hearing

(5) The Board may attach such terms and conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act. Terms and conditions

(6) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension. Extension of time for appeal

(7) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licence pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

15.—(1) The Director, the applicant or licensee who has required the hearing and such other persons as are specified by the Board are parties to proceedings before the Board under this Act. Parties

Notice of
hearing

(2) Notice of a hearing under section 14 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence.

Examination
of docu-
mentary
evidence

(3) An applicant or licensee who is a party to proceedings under section 14 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members
holding
hearing
not to have
taken
part in
investigation,
etc.

(4) Members of the Board holding a hearing shall not have taken part in any investigation or consideration of the subject-matter of the hearing before the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings
of fact

1971, c. 47

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only
members at
hearing to
participate
in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Review by
Minister

16.—(1) Upon the request of any party to the hearing before the Board, made within fifteen days after being served with a decision, the Minister shall review the record and the decision of the Board and the reasons therefor, and the Minister may confirm or alter the decision of the Director or direct the Director to do any act the Director is authorized to do under this Act and as the Minister considers proper, and the decision of the Minister is final on all matters except points of law.

Reasons

(2) The Minister shall give the reasons for his decision under subsection 1 to each of the parties to the hearing before the Board within thirty days after he receives the request for the review.

(3) Any person requesting a review under subsection 1 may appeal the Minister's decision on any point of law to the Supreme Court in accordance with the rules of court. Appeal to court

17. Except where otherwise provided, any notice required by this Act to be served shall be served personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date. Service of notices

18.—(1) The Minister may appoint inspectors for the purposes of this Act and the regulations and such appointments shall be in writing. Appointment of inspectors

(2) An inspector, upon the production of his appointment under subsection 1, may enter the business premises or conveyances of an operator at any time and may examine, extract information from and make copies of his books, accounts and records pertaining to the rescue service and may inspect the conveyances, supplies and equipment for the purpose of determining their compliance with the regulations. Powers of inspectors

(3) Each person employed in the administration of this Act, including any person making an inquiry, inspection or an investigation under this section shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, inspection or investigation and shall not communicate any such matters to any other person except, Confidential matters

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations; or
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

19. Where a licensee is a corporation, the licensee shall notify the Director within fifteen days of any change in the officers or directors of the corporation. Notice of change in corporate management

20. Every licence, except a temporary licence, expires one year after it is issued. Expiration of licences

Liability of
rescue service
member

21. Where, in respect of a person who is ill, injured or unconscious as a result of an accident or other emergency, a member of a rescue service voluntarily renders emergency services or assistance at the scene of the accident or emergency, the rescue service member shall not be liable for damages for injuries to or the death of the person or damage to the property of the person arising from any act or omission of the rescue service member unless it is established that the injuries, death or damage to property was caused by the gross negligence of the rescue service member.

Regulations

22.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

- (a) prescribing the standards of rescue apparatus and equipment for rescue services and of their maintenance and repair and requiring the approval of the Director for the acquisition of such apparatus and equipment as are specified in the regulations;
- (b) governing the management, operation and use of rescue services, including insurance against liability in connection with their operation;
- (c) prescribing the records, books, audits and accounting system to be kept, made or followed by operators and the returns, reports and information to be submitted to the Director or the Minister;
- (d) prescribing the qualifications for persons employed in rescue services including their testing and examination, physical or otherwise;
- (e) providing for the issuing of licences and prescribing terms and conditions of licences;
- (f) requiring the payment of fees in connection with licences and applications therefor and prescribing the amounts thereof;
- (g) establishing and maintaining courses of instruction for the training of persons in rescue services;
- (h) providing for rescue services instructors for the purpose of assisting in the organization and training of municipal fire departments or rescue service units and in the development of other rescue service programs;
- (i) assisting in the formation of local associations or leagues or any other body of persons interested in developing and promoting the principles and practices of rescue service;

- (j) providing for advice and assistance to fire departments and government agencies in matters related to rescue service;
- (k) respecting the keeping of records and statistics related to rescue service operations;
- (l) prescribing the fees that may be charged by the operators of each class of rescue service for each kind of service provided, the methods and times of payment of such fees to the operators and the proportion thereof that may be charged to the person receiving rescue services;
- (m) respecting any matter necessary or advisable to carry out the intent and purpose of this Act.

(2) The regulations may provide that any provision is limited in its application to any specified class of rescue service, person or thing. Limited application

23.—(1) Subject to subsection 2, any person who contravenes this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. Penalty

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein. Corporations

(3) Any person who prevents or obstructs or attempts to prevent or obstruct an inspector from entering premises or making an inspection authorized by this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$500. Penalty

(4) No proceeding under this section shall be commenced more than one year after the time when the subject-matter of the proceeding arose. Limitation

24. The Minister shall not be held to be vicariously liable for the acts or omissions of operators or their employees. Minister not vicariously liable

25. No action shall be brought against an operator or an employee of an operator for the recovery of damages occasioned by negligence in the provision of rescue services after the expiration of one year from the time when the damages were sustained. Limitation period

26. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

27. The short title of this Act is *The Rescue Services Act*, 1980. Short title

BILL 123

An Act to provide for
Rescue Services in Ontario

1st Reading

June 12th, 1980

2nd Reading

3rd Reading

MR. TAYLOR
(Simcoe Centre)

(Private Member's Bill)

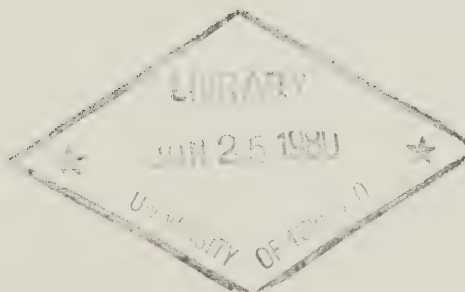
BILL 124

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Residential Tenancies Act, 1979

MR. FOULDS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to extend the application of the rent review provisions of *The Residential Tenancies Act, 1979* to all rental units that are mobile homes or mobile home sites. Clause *d* of subsection 1 of section 134 of the Act currently exempts from the rent review provisions a rental unit that is a mobile home or mobile home site that was not occupied as a rental unit before the 1st day of January, 1976.

BILL 124

1980

**An Act to amend
The Residential Tenancies Act, 1979**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario enacts as
follows:

1. Clause *d* of subsection 1 of section 134 of *The Residential Tenancies Act, 1979*, being chapter 78, is repealed. s. 134 (1) (d),
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Residential Tenancies Amendment Act, 1980*. Short title

An Act to amend
The Residential Tenancies Act, 1979

1st Reading

June 12th, 1980

2nd Reading

3rd Reading

MR. FOULDS

(Private Member's Bill)

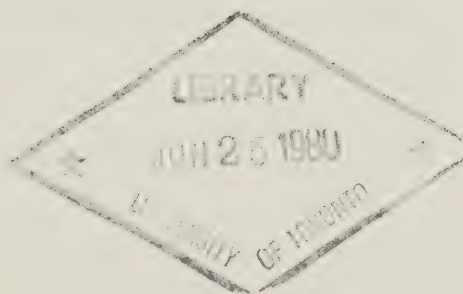
BILL 125

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Funeral Services Act, 1976

MR. FOULDS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to require that a funeral director must provide an itemized price list to a purchaser of funeral services and supplies before the purchaser enters into an agreement for the provision of any funeral services and supplies.

BILL 125

1980

An Act to amend The Funeral Services Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Funeral Services Act, 1976*, being chapter 83, is amended by ^{s. 36a, enacted} adding thereto the following section:

36a.—(1) No person who is a licensee under this Act shall enter ^{Itemized price list} into an agreement to provide funeral services or funeral supplies to a purchaser unless that person has delivered to the purchaser before entering into the agreement an itemized price list setting out the full price for each service and supply proposed to be provided to the purchaser.

(2) An agreement for the purchase and sale of funeral services ^{Where agreement not binding on purchaser} and funeral supplies is not binding on the purchaser unless the purchaser has received the itemized price list as required by subsection 1.

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
3. The short title of this Act is *The Funeral Services Amendment Act*, ^{Short title} 1980.

BILL 125

An Act to amend
The Funeral Services Act, 1976

1st Reading

June 13th, 1980

2nd Reading

3rd Reading

MR. FOULDS

(Private Member's Bill)

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BILL 126

Private Member's Bill

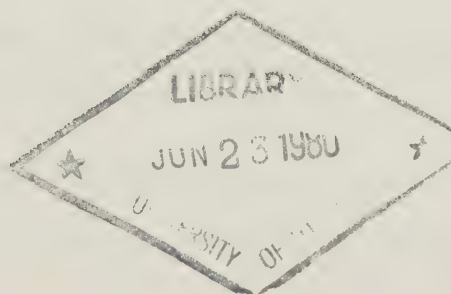
Government
Publications

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Funeral Services Act, 1976

MR. FOULDS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to permit persons who are not funeral directors to provide funeral supplies.

BILL 126

1980

An Act to amend The Funeral Services Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Funeral Services Act, 1976*, being chapter 83, is repealed and the following substituted therefor: s. 1 (d),
re-enacted

(d) "funeral services" means the services usually provided by a funeral director but does not include the providing of funeral supplies.

- 2.—(1) Subsection 1 of section 5 of the said Act is repealed and the following substituted therefor: s. 5 (1),
re-enacted

(1) No person shall engage in or hold himself out as engaging in providing funeral services unless he is licensed as a funeral director under this Act. Funeral
director's
licence

- (2) Subsection 3 of the said section 5 is repealed and the following substituted therefor: s. 5 (3),
re-enacted

(3) For the purposes of subsection 1, proof of the performance of one act in providing funeral services on one occasion is sufficient to establish engaging in providing funeral services to the public. Proof of
performance

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is *The Funeral Services Amendment Act, 1980*. Short title

BILL 126

An Act to amend
The Funeral Services Act, 1976

1st Reading

June 13th, 1980

2nd Reading

3rd Reading

MR. FOULDS

(Private Member's Bill)

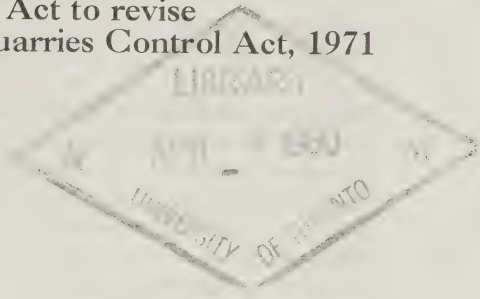
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BILL 127

Government
Publications
Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

**An Act to revise
The Pits and Quarries Control Act, 1971**



THE HON. J. A. C. AULD
Minister of Natural Resources

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EXPLANATORY NOTES

This Bill flows from the Report of the Ontario Mineral Aggregate Working Party that was submitted to the Minister of Natural Resources in December, 1976.

The Working Party was established to recommend an effective and broadly acceptable mineral aggregate resource management policy for the Province of Ontario.

Many of the features of the Report and of this Bill are the result of the experience gained by the various interests concerned with *The Pits and Quarries Control Act, 1971*.

The new Act has three purposes:

1. To provide for the management of the aggregate and Crown aggregate resources of Ontario.
2. To control and regulate pits and quarries, wayside pits and quarries and Crown aggregate pits and quarries.
3. To require the rehabilitation of land from which aggregate or Crown aggregate has been excavated.

BILL 127

1980

An Act to revise
The Pits and Quarries Control
Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “aggregate” means gravel, sand, clay, shale, stone, earth or other prescribed material but does not include Crown aggregate;
- (b) “Board” means the Ontario Municipal Board;
- (c) “Commissioner” means the Mining and Lands Commissioner;
- (d) “Crown aggregate” means gravel, sand, clay, shale, limestone, dolomite, sandstone, marble, granite, quartz, feldspar, fluorspar, gypsum, diatomaceous earth, marl, peat or other prescribed material that is the property of the Crown, but does not include aggregate;
- (e) “Crown aggregate pit or quarry” means land from which consolidated or unconsolidated Crown aggregate, as the case may be, has been, is being or may be excavated;
- (f) “established pit or quarry” means a pit or quarry or a wayside pit or quarry from which, in the opinion of the Minister, a substantial amount of aggregate has been excavated within the two-year period immediately before the part of Ontario in which the pit or quarry or wayside pit or quarry is located was designated under subsection 2 of section 5;
- (g) “final rehabilitation” means rehabilitation done in accordance with this Act, the regulations, the conditions

of the licence or permit and the requirements of the site plan, after the excavation of aggregate or Crown aggregate, as the case may be, and the progressive rehabilitation, if any, have been completed;

R.S.O. 1970,
c. 201

- (h) "highway" has the same meaning as in *The Public Transportation and Highway Improvement Act* and includes an unopened road allowance;
- (i) "inspector" means any employee of the Ministry who is designated in writing by the Minister as an inspector for the purposes of this Act;
- (j) "licence" means a licence for a pit or quarry issued under this Act;
- (k) "licensee" means a person who holds a licence;
- (l) "Minister" means the Minister of Natural Resources;
- (m) "Ministry" means the Ministry of Natural Resources;
- (n) "permit" means a permit for a wayside pit or quarry or a Crown aggregate pit or quarry issued under this Act;
- (o) "permittee" means a person who holds a permit;
- (p) "pit" means land from which unconsolidated aggregate has been, is being or may be excavated, but does not include,
 - (i) an excavation for a building, a structure or a project of any kind that in the opinion of the Minister is not a pit, or
 - (ii) a wayside pit;
- (q) "prescribed" means prescribed by the regulations;
- (r) "progressive rehabilitation" means rehabilitation done sequentially in accordance with this Act, the regulations, the conditions of the licence or permit and the requirements of the site plan during the period that aggregate or Crown aggregate is being excavated;
- (s) "public authority" includes the Crown, a Crown agency within the meaning of *The Crown Agency Act*, a municipality or local board as defined in *The Municipal Affairs Act*, an authority within the meaning of *The Conservation Authorities Act*, and Ontario Hydro;

R.S.O. 1970,
cc. 100, 118,
78

- (t) “quarry” means land from which consolidated aggregate has been, is being or may be excavated, but does not include,
 - (i) an excavation for a building, a structure or a project of any kind that in the opinion of the Minister is not a quarry, or
 - (ii) a wayside quarry;
- (u) “regional municipality” includes a district municipality and The Municipality of Metropolitan Toronto;
- (v) “regulations” means the regulations made under this Act;
- (w) “rehabilitate” means to treat land from which aggregate or Crown aggregate has been excavated so that the use or condition of the land,
 - (i) is restored to its former use or condition, or
 - (ii) is changed to another use or condition that is or will be compatible with the use of adjacent land,
 and “rehabilitation” has a corresponding meaning;
- (x) “site” means the land to which a licence or permit or an application therefor relates;
- (y) “Treasurer” means the Treasurer of Ontario and Minister of Economics;
- (z) “wayside pit or quarry” means land from which consolidated or unconsolidated aggregate, as the case may be, has been, is being or may be excavated for use in a project of a public authority and that is located outside the limits of the right of way of a highway, but does not include a pit or quarry. 1971, c. 96, s. 1, *amended*.

PART I

GENERAL

2. The purposes of this Act are,

Purposes
of Act

- (a) to provide for the management of the aggregate and Crown aggregate resources of Ontario;

- (b) to control and regulate pits and quarries, wayside pits and quarries and Crown aggregate pits and quarries; and
- (c) to require the rehabilitation of the land from which aggregate or Crown aggregate has been excavated.
New.

Administration
of Act

3.—(1) The Minister is responsible for the administration of this Act and the regulations.

Idem

(2) In administering this Act, the Minister may,

- (a) conduct research related to technical matters pertaining to the aggregate industry, including the transportation of aggregates and the rehabilitation of pits and quarries;
- (b) locate geological deposits that may yield aggregate of commercial qualities and quantities;
- (c) estimate from time to time the demand that will be made for aggregate and establish policies for the supply thereof;
- (d) collect, analyze and publish statistics related to the aggregate industry;
- (e) conduct studies related to the uses of aggregates and the economics and operations of the aggregate industry;
- (f) advise ministries and municipalities on planning matters related to aggregates, including the preparation and approval of official plans and restricted area by-laws;
- (g) conduct studies related to abandoned pits and quarries;
- (h) conduct studies on environmental matters related to pits and quarries;
- (i) convene conferences and conduct seminars and educational and training programs related to pits and quarries and the aggregate industry;
- (j) establish and maintain demonstration and experimental rehabilitation projects for pits and quarries; and
- (k) employ any person to perform work in connection with any matter mentioned in this Act. *New.*

4.—(1) The Minister may designate in writing any employee of the Ministry as an inspector for the purposes of this Act. 1971, c. 96, s. 1 (c), *amended*. Designation of inspectors

(2) An inspector may, for the purpose of carrying out his duties, Powers of inspectors

(a) enter any land or business premises at any reasonable time;

(b) require the production of a licence, a permit, a record respecting aggregate or Crown aggregate or rehabilitation, a report or a survey and may inspect and make copies thereof; and

(c) alone, or in conjunction with other persons possessing special or expert knowledge, make examinations, tests or inquiries and take or remove samples of any material. 1971, c. 96, s. 13 (1), *amended*.

5.—(1) This Act and the regulations apply only in the parts of Ontario that have been designated under *The Pits and Quarries Control Act*, 1971 or that are designated under subsection 2. *New*. Present designated parts continued 1971, c. 96

(2) The Lieutenant Governor in Council may designate parts of Ontario in which this Act and the regulations apply. 1971, c. 96, s. 2, *amended*. Designation of parts

6. This Act, except Part V and, subject to subsection 2 of section 47, Part VI, binds the Crown and its agents. *New*. Act binds the Crown

PART II

PIT AND QUARRY LICENCES

7.—(1) Any person may apply to the Minister in the prescribed form, Application for licence

(a) for a Class A licence to excavate annually more than 20,000 tonnes of aggregate from a pit or quarry; or

(b) for a Class B licence to excavate annually 20,000 tonnes or less of aggregate from a pit or quarry.

(2) Every application for a licence shall be accompanied by, Idem

(a) five copies of the site plan referred to in section 8;

- (b) if the application is for a Class A licence, five copies of the report referred to in section 9;
- (c) the information referred to in section 10; and
- (d) the prescribed application fee. 1971, c. 96, s. 4, *amended*.

Additional
information

(3) The Minister may require an applicant for a licence to furnish him with additional information in such form and manner as he considers necessary, and, until the information is furnished to his satisfaction, he may refuse to consider the application further. *New*.

Site plans
for Class A
licences

8.—(1) The site plan accompanying an application for a Class A licence shall show,

- (a) a key map showing the location of the site;
- (b) a general description of the site, including lot and concession lines, if any;
- (c) the shape, dimensions and hectarage of the site;
- (d) the use of the land and the location and the use of the buildings and other structures within 150 metres of the site;
- (e) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;
- (f) the location of the excavation setback limits;
- (g) the location of fences and any significant natural features;
- (h) the location of tree screens and the species and types of the trees;
- (i) the location of earth berms and their height and slope;
- (j) the topography of the site including existing and estimated final contours and spot elevations;
- (k) every entrance to and exit from the site;
- (l) all roads on the site;

- (m) the water table and any existing and proposed drainage facilities on the site;
- (n) the location of water wells within 150 metres of the site;
- (o) the maximum depth of excavation and whether it is intended to excavate below the water table;
- (p) the sequence or direction of operation; and
- (q) the progressive rehabilitation and final rehabilitation plans,

and may show such other information as the applicant considers advisable. 1971, c. 96, s. 4 (2), *amended*.

(2) The information required under subsection 1 shall be presented under three headings on at least three separate sheets of paper as follows: Idem

- 1. Existing Features
- 2. Sequence or Direction of Operation
- 3. Rehabilitation Plans,

and shall be at a scale of 1:2000, 1:5000 or in any particular case at such other scale as the Minister may approve.

(3) Every site plan accompanying an application for a Class A licence shall be certified by a professional engineer who is a member of the Association of Professional Engineers of the Province of Ontario, an Ontario land surveyor, who is a member of the Association of Ontario Land Surveyors, a landscape architect who is a member of the Ontario Association of Landscape Architects, or any other qualified person approved in writing by the Minister that the site plan has been prepared by him. *New.* Certification

(4) The site plan accompanying an application for a Class B licence shall be in the prescribed form and shall show, Site plans for Class B licences

- (a) a key map showing the location of the site;
- (b) a general description of the site, including lot and concession lines, if any;
- (c) the shape, dimensions and hectarage of the site;
- (d) the existing and estimated final elevations of the site;

- (e) the use of the land and the location and use of the buildings and other structures within 150 metres of the site;
- (f) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;
- (g) the location of the excavation setback limits;
- (h) the location of fences and any significant natural features;
- (i) the location of tree screens and the species and types of the trees;
- (j) the location of earth berms and their height and slope;
- (k) every entrance to and exit from the site;
- (l) existing and proposed drainage facilities on the site;
- (m) the sequence or direction of operation; and
- (n) the progressive rehabilitation and final rehabilitation plans,

and may show such other information as the applicant considers advisable. 1971, c. 96, s. 4 (3), amended.

Signature

(5) Every site plan accompanying an application for a Class B licence shall be signed by the applicant. *New.*

Report

9. The report accompanying an application for a Class A licence shall provide information,

- (a) as to the suitability of the rehabilitation plans having regard to the character of the surrounding lands;
- (b) respecting the quality and quantity of the aggregate on the site;
- (c) as to the main haulage routes to and from the site and the traffic density thereon;
- (d) supplementing clause *m* of subsection 1 of section 8;
- (e) describing the location and size of existing and proposed stockpiles of aggregate, topsoil and subsoil; and

(f) respecting any planning and land use considerations, and may provide such other information as the applicant considers advisable. *New.*

10. An applicant for a licence shall furnish information in a manner satisfactory to the Minister showing that the location of the land described in the site plan accompanying the application complies with any relevant restricted area by-law, but if the Minister is of the opinion that doubt exists as to whether or not there is compliance, he may require the applicant to refer the matter to the Supreme Court for a declaratory judgement on the matter. *New.*

Compliance
with
restricted
area
by-laws

11. The Minister in considering an application for a licence shall have regard to,

Matters to
be considered
by Minister

- (a) any comments provided by the municipalities in which the site is located;
- (b) proper management of the aggregate resources of the Province;
- (c) the rehabilitation of the site;
- (d) the main haulage routes to and from the site and the traffic density thereon;
- (e) any possible effects on ground and surface water patterns;
- (f) any related planning and land use considerations;
- (g) the effect of the operation on nearby communities; and
- (h) such other matters as he considers appropriate. 1971, c. 96, s. 6 (1), *amended*.

12.—(1) Where the Minister is satisfied that an application for a licence and the documents accompanying it comply with this Act and the regulations, he shall serve a copy of it and the documents accompanying it upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information and comment. *New.*

Copies to
municipalities

(2) On the day that the Minister serves a copy of an application and the accompanying documents under subsection 1, he shall fix a day forty-five days hence as the last day upon which objections in writing may be served upon him. 1971, c. 96, s. 5 (1), *amended*.

Last day
for filing
objections

Notice by
Minister

(3) On the day that the Minister serves a copy of an application and the accompanying documents under subsection 1, the Minister shall serve the applicant with notice that the applicant must cause notice of his application in the prescribed form to be published forthwith in two successive issues of a newspaper having general circulation in the locality in which the site is located. 1971, c. 96, s. 5 (2), *amended*.

Notice of
publication

(4) As soon as the publication of the notice has been completed, the applicant shall notify the Minister thereof. *New*.

Notice of
objection

(5) Any person, including any municipality, may serve upon the Minister on or before the day fixed under subsection 2 a notice that he or it objects to the issue of the licence applied for and the reasons therefor.

Notice
requiring
hearing

(6) Any person who has served a notice under subsection 5 may, in addition, serve upon the Minister on or before the day fixed under subsection 2 a notice that he requires a hearing of the matter before the Board.

Reference
to Board
for a
hearing

(7) Upon receipt of a notice under subsection 6 that in the opinion of the Minister discloses an interest in the matter that is sufficiently substantial to warrant a hearing and is not frivolous or vexatious, he shall refer the application and the objections to the Board for a hearing. 1971, c. 96, s. 5 (3), *amended*.

Idem

(8) The Minister may, on his own motion, refer an application and the objections, if any, to the Board for a hearing. 1971, c. 96, s. 5 (4), *amended*.

What Board
may consider
at hearing
R.S.O. 1970,
c. 349

(9) Where, under *The Planning Act*, an application for an amendment to any relevant restricted area by-law is before the Board for a hearing and an application under this Act is referred to the Board under subsection 7 or 8, the Board may consider both matters at one hearing. *New*.

Issue of
licences

13.—(1) The Minister may in his discretion issue a licence subject to such conditions as he considers necessary.

Changes of
conditions

(2) The Minister may at any time add a condition to a licence or rescind or vary a condition of a licence.

Restricted
area
by-laws

(3) The Minister may, subject to subsection 4 of section 64 and subsection 5 of section 65, issue a licence only if the location of the pit or quarry complies with any relevant restricted area by-law. 1971, c. 96, s. 6 (2), *amended*.

Copies to
municipalities

(4) Where the Minister has issued a licence, he shall serve a copy of it upon the clerk of the regional municipality or county, as

the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New.*

14.—(1) Every licensee shall pay to the Treasurer on or before the 15th day of March in each year his annual licence fee for the previous year calculated in accordance with the regulations and, if it is not so paid, the Minister may revoke the licence. Annual licence fees

(2) When a licence is revoked under subsection 1, subsections 2 to 6 of section 21 do not apply. No notice or hearing

(3) The prescribed percentage of the total of the annual licence fees shall be disbursed to such municipalities and in such amounts and manner as are prescribed. Disbursal of annual licence fees

(4) The prescribed percentage of the total of the annual licence fees shall be set apart as a fund for the purposes mentioned in subsection 2 of section 33. *New.* Rehabilitation of abandoned pits and quarries

15. Every licensee shall operate his pit or quarry in accordance with this Act, the regulations, the conditions of his licence and the requirements of his site plan. 1971, c. 96, ss. 3, 4 (4), *part, amended.* Duties of licensees

16.—(1) The Minister may at any time require a licensee to amend his site plan. *New.* Amendment of site plans

(2) A licensee may, with the approval in writing of the Minister, at any time amend his site plan. 1971, c. 96, s. 4 (4), *part, amended.* Idem

17.—(1) The Minister at least once a year shall, Annual inspection and review

(a) inspect each site; and

(b) review each site plan and the conditions of each licence,

for the purpose of assessing the licensee's compliance with this Act, the regulations, the conditions of the licence and the requirements of the site plan. 1971, c. 96, s. 7 (1), *amended.*

(2) For the purpose of each fifth review under subsection 1, the Minister shall request in writing the council of the regional municipality or county, as the case may be, and the council of the local municipality in which each pit or quarry is located to send to him within forty-five days after receiving the request their comments respecting each pit or quarry. Municipal comments every five years

(3) Where a site plan is served upon the Minister under subsection 5 of section 64, each fifth year for the purpose of subsection 2 Idem

shall be calculated from the year in which such service is made upon the Minister. *New.*

Transfer of
licences

18.—(1) Upon application in the prescribed form accompanied by the prescribed transfer fee and the documents required under clauses *a* and *b* of subsection 2 of section 7, the Minister may consent to the transfer of a licence. 1971, c. 96, s. 14, *amended*.

Transfer of
rehabilitation
security

(2) Upon the transfer of a licence, any sum in the rehabilitation security account of the transferor shall be transferred to an account in the name of the transferee and the right, title and interest in such sum vest in the transferee. *New.*

Surrender
of licences

19.—(1) Upon being satisfied that a licensee's annual fee and his rehabilitation security are not in arrears and that his rehabilitation work has been done in accordance with this Act, the regulations, the conditions of his licence and the requirements of his site plan, the Minister may accept the surrender of his licence.

Disposition
of surplus
rehabilitation
moneys

(2) Where any sum remains in the former licensee's rehabilitation security account when the Minister accepts the surrender of his licence, the sum so remaining shall be paid by the Treasurer to the former licensee. *New.*

Death of
licensee

20. One year after a sole licensee dies, his licence expires unless within that period his personal representative applies to the Minister to allow him to operate the pit or quarry for such period as in the opinion of the Minister, having regard to the circumstances of the particular case, is sufficient to allow the personal representative to dispose of the pit or quarry and, if the pit or quarry is not disposed of within that period, or within such further period as the Minister may allow, the Minister shall revoke the licence. *New.*

Refusal to
issue and
refusal to
transfer of
licences

21.—(1) The Minister may in his discretion refuse to issue or refuse to consent to the transfer of a licence.

Revocation
of licences

(2) The Minister may revoke a licence for any contravention of this Act, the regulations, the conditions of the licence or the requirements of the site plan. 1971, c. 96, s. 7 (2), *amended*.

Notice to
licensee

(3) Where the Minister has,

- (a) refused to issue a licence and the application has not been referred to the Board for a hearing under section 12;
- (b) refused to consent to the transfer of a licence;
- (c) revoked a licence;
- (d) required a site plan to be amended; or

- (e) after the issue of a licence, added a condition to a licence or rescinded or varied a condition of a licence,

he shall serve forthwith notice thereof including the reasons therefor upon the applicant or licensee, and upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located.

(4) Any action of the Minister under subsection 3 is effective as soon as the notice mentioned in that subsection is served upon the applicant or licensee and, notwithstanding that the applicant or licensee requires a hearing by the Board, remains effective until the Minister takes action after considering the report of the Board.

Time of
taking
effect

(5) The notice under subsection 3 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he serves, within thirty days after the notice under subsection 3 is served upon him, the Minister with notice that he requires a hearing.

Notice
requiring
a hearing

(6) Where the applicant or licensee serves the Minister with notice under subsection 5, the Minister shall refer the matter to the Board for a hearing. 1971, c. 96, s. 8, *amended*.

Hearing

22.—(1) Where a matter is referred to the Board under section 12 or 21, the Board shall hold a hearing and the applicant or licensee, the Minister and such other persons as the Board specifies shall be parties to the proceeding.

Hearing by
Board

(2) A hearing by the Board shall be conducted in accordance with the rules, practices and procedures as determined by the Board under *The Ontario Municipal Board Act*, except that section 94 of that Act does not apply.

Procedure

R.S.O. 1970,
c. 323

(3) The Board shall, at the conclusion of a hearing under this section, make a report to the Minister which shall set out its findings and its recommendations as to the issue to which the hearing relates and shall send a copy of its report to each party to the proceedings.

Report
of Board

(4) After considering the report of the Board, the Minister may take such action as he considers appropriate and shall serve notice of his decision and the reasons therefor upon the other parties to the proceedings and upon the municipalities served under subsection 1 of section 12 or subsection 3 of section 21, as the case may be.

Decision
of Minister

(5) The decision of the Minister is final. 1971, c. 96, s. 9, *amended*.

Decision
final

23.—(1) The Minister may suspend a licence for any period of time, not exceeding three months, for any contravention of this

Suspension
of licences

Act, the regulations, the conditions of the licence or the requirements of the site plan, effective as soon as the notice mentioned in subsection 2 is served upon the licensee. 1971, c. 96, s. 8 (4), *amended*.

Notice of
suspension

(2) Where the Minister has suspended a licence, he shall serve notice thereof, including the reasons therefor, upon the licensee and upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located.

Further
particulars
of notice

(3) The notice mentioned in subsection 2 shall, in addition to the particulars mentioned therein, notify the licensee of the period of the suspension, of the action he must take or desist from taking before the suspension will be removed, that the suspension will be removed as soon as he has complied with the notice to the satisfaction of the Minister, and that if he does not comply with the notice within the period of the suspension, the Minister may revoke the licence.

Revocation

(4) Where a licensee whose licence has been suspended has not taken the required remedial action within the period of the suspension, the Minister may exercise his power under subsection 2 of section 21 and revoke the licence, in which case subsections 3 to 6 of that section apply. *New*.

PART III

WAYSIDE PIT AND QUARRY PERMITS

Application
for permit

24.—(1) Any public authority that has a project that requires aggregate or any person who has a contract with a public authority for such a project may apply to the Minister in the prescribed form for a wayside pit or quarry permit. 1971, c. 96, s. 12 (1) *part, amended*.

Idem

(2) Every application for a wayside pit or quarry permit to excavate aggregate shall be accompanied by five copies of the site plan referred to in section 25 and the prescribed application fee.

Additional
information

(3) The Minister may require an applicant for a wayside pit or quarry permit to furnish him with additional information in such form and manner as he considers necessary and, until the information is furnished to his satisfaction, he may refuse to consider the application further.

Copies to
municipalities

(4) When the Minister is satisfied that an application for a wayside pit or quarry permit and the documents accompanying it

comply with this Act and the regulations, he shall serve a copy of it and the documents accompanying it upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New.*

25. The site plan accompanying an application for a wayside pit or quarry permit shall be prepared by the applicant or by a person on his behalf and shall be in the prescribed form and shall show, Site plans for wayside pits and quarries

- (a) a key map showing the location of the site;
- (b) a general description of the site, including lot and concession lines, if any;
- (c) the public authority that is a party to the contract and the number of the project;
- (d) the location of the project;
- (e) the name and address of the owner of the site;
- (f) the hectarage of the site and the area to be excavated;
- (g) the existing and estimated final elevations of the site;
- (h) the use of the land and the location and use of the buildings and other structures within 150 metres of the site;
- (i) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;
- (j) every entrance to and exit from the site;
- (k) any significant natural features;
- (l) proposed drainage facilities on the site;
- (m) the sequence or direction of operation; and
- (n) the rehabilitation plans,

and may show such other information as the applicant considers advisable. *New.*

26. The Minister in considering an application for a wayside pit or quarry permit shall have regard to, Criteria

- (a) any information provided by the municipalities in which the site is located;
- (b) the estimated cost of transporting the aggregate to the project as compared with that of any alternative source of supply;
- (c) proper management of the aggregate resources of the area;
- (d) any previous permits for the site;
- (e) the rehabilitation of the site;
- (f) any proposed aesthetic improvements to the landscape; and
- (g) such other matters as he considers appropriate. 1971, c. 96, s. 12 (2), *amended*.

Issue
of
permits

27.—(1) The Minister may in his discretion issue a wayside pit or quarry permit subject to such conditions as he considers necessary and whether or not its location complies with any relevant restricted area by-law. 1971, c. 96, s. 12 (3), *amended*.

Idem

(2) Where the location of a wayside pit or quarry for which a wayside pit and quarry permit has been issued contravenes any relevant restricted area by-law, the permit prevails and the by-law does not apply to the wayside pit or quarry. *New*.

Copies to
municipalities

28. Where the Minister has issued a wayside pit or quarry permit, he shall serve a copy of it upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New*.

Duties of
permittees

29. Every wayside pit or quarry permittee shall operate his wayside pit or quarry in accordance with this Act, the regulations, the conditions of his permit and the requirements of his site plan. 1971, c. 96, ss. 3, 4 (4), *part, amended*.

Variation
of
conditions

30. The Minister may at any time add a condition to a wayside pit or quarry permit or rescind or vary any condition of such a permit. *New*.

Expiration
of
permits

31. A wayside pit or quarry permit expires on the completion of the project in respect of which it was issued or eighteen months after its date of issue, whichever occurs first. 1971, c. 96, s. 12 (4), *amended*.

32. The Minister may, at any time, suspend or revoke a wayside pit or quarry permit for any contravention of this Act, the regulations, the conditions of the permit or the requirements of the site plan. 1971, c. 96, s. 12 (5), *amended*. Suspension
and
revocation

PART IV

ABANDONED PITS AND QUARRIES

33.—(1) Where there is an unlicensed pit or quarry, the Minister may, Abandoned
pits and
quarries

(a) after receiving the consent of the person assessed for the land on which the pit or quarry is located; and

(b) after consultation with the regional municipality or county, as the case may be, and the local municipality in which the pit or quarry is located,

declare the pit or quarry to be abandoned for the purposes of subsection 2.

(2) The Minister may disburse any part of the fund mentioned in subsection 4 of section 14 for, Disbursal
of fund

(a) pre-program surveys or studies respecting the rehabilitation of abandoned pits and quarries; or

(b) the rehabilitation of abandoned pits and quarries.
New.

PART V

CROWN AGGREGATE PERMITS

34.—(1) Any person may apply to the Minister in the prescribed form for a Crown aggregate permit to excavate Crown aggregate. Applications
for Crown
aggregate
permits

(2) Any person who holds a Crown aggregate permit may, during the first two months of the four-month period immediately preceding the expiry of his permit, apply to the Minister for another Crown aggregate permit for the same site to come into effect upon the expiry of the permit that he holds. Idem

(3) Every application for a Crown aggregate permit shall be accompanied by, Idem

(a) two copies of the site plan referred to in section 35; and

(b) the prescribed application fee. *New.*

Site plans

35.—(1) The site plan accompanying an application for a Crown aggregate permit shall be in the prescribed form and shall show,

- (a) a key map showing the location of the site;
- (b) a general description of the site, including lot and concession lines, if any;
- (c) the shape, dimensions and hectarage of the site;
- (d) the existing and estimated final elevations of the site;
- (e) the use of land and the location and use of the buildings and other structures within 150 metres of the site; and
- (f) the rehabilitation plans,

and may show such other information as the applicant considers advisable.

Signature

(2) Every site plan for a Crown aggregate permit shall be signed by the applicant.

Additional information

(3) The Minister may require an applicant for a Crown aggregate permit to furnish him with additional information in such form and manner as he considers necessary and, until the information is furnished to his satisfaction, he may refuse to consider the application further. *New.*

Issue of Crown aggregate permits

36.—(1) Subject to section 37, the Minister may in his discretion issue a Crown aggregate permit for a fixed period of not more than five years subject to such conditions as he considers necessary.

Changes in conditions

(2) The Minister may at any time add a condition to a Crown aggregate permit or rescind or vary any condition of such a permit. *New.*

Public authority

37. Where in the opinion of the Minister it is in the public interest, he may authorize a public authority which has a project that requires Crown aggregate or any person who has a contract with a public authority for such a project to remove Crown aggregate from a site that is subject to a Crown aggregate permit. *New.*

Personal use

38.—(1) Where an individual whose principal residence is in Ontario applies for a Crown aggregate permit and states in his

application that he requires the aggregate for his personal use and not for sale, the Minister may issue the Crown aggregate permit without the necessity of the applicant complying with subsection 3 of section 34 and section 40.

(2) Where a Crown aggregate permit is issued to excavate Crown aggregate for personal use and not for sale, section 42 does not apply. *New.* No transfer

39. Every Crown aggregate pit or quarry permittee shall operate his Crown aggregate pit or quarry in accordance with this Act, the regulations, the conditions of his permit and the requirements of his site plan. *New.* Duties of permittees

40. Every Crown aggregate pit or quarry permittee shall pay to the Treasurer the prescribed permit fee. *New.* Permit fees

41.—(1) The Minister may suspend or revoke a Crown aggregate permit for any contravention of this Act, the regulations, the conditions of the permit or the requirements of the site plan. Suspension and revocation

(2) The Minister may revoke a Crown aggregate permit where in his opinion a substantial amount of Crown aggregate has not been removed from the site during any year of the term of the permit. Idem

(3) The Minister may suspend or revoke a Crown aggregate permit where in his opinion the operation of the Crown aggregate pit or quarry is contrary to the public interest. *New.* Idem

42. Upon application in the prescribed form accompanied by the prescribed transfer fee, the Minister may consent to the transfer of a Crown aggregate permit. *New.* Transfer of permits

43. The Minister may in his discretion refuse to issue a Crown aggregate permit, refuse to issue another Crown aggregate permit under subsection 2 of section 34 or refuse to consent to the transfer of a Crown aggregate permit. *New.* Refusal to issue or transfer

44.—(1) Where the Minister has, Notice to applicant or permittee

suspended a Crown aggregate permit;

(b) revoked a Crown aggregate permit; or

(c) refused to issue another Crown aggregate permit upon an application under subsection 2 of section 34,

he shall serve forthwith notice thereof including the reasons therefor upon the applicant or permittee.

Time of taking effect	(2) Any action of the Minister under subsection 1 is effective as soon as the notice mentioned in that subsection is served upon the applicant or permittee.
Notice requiring a hearing	(3) The notice under subsection 1 shall inform the recipient that he is entitled to a hearing by the Commissioner if he serves, within fifteen days after the notice under subsection 1 is served upon him, the Minister with notice that he requires a hearing.
Hearing	(4) Where the recipient serves the Minister with notice under subsection 3 that he requires a hearing, the Minister shall refer the matter to the Commissioner for a hearing.
Idem	(5) Where a matter is referred to the Commissioner, the Commissioner shall hold a hearing to decide whether the Crown aggregate permit should remain suspended or revoked or be issued, as the case may be, and the Commissioner may, after the hearing, so decide.
Idem	(6) Where a matter is referred to the Commissioner under this section, he shall specify the parties to the proceedings.
Notice of decision	(7) The Commissioner shall serve notice upon the parties to the proceedings of his decision and the reasons therefor.
Appeal	(8) An appeal lies to the Supreme Court from a decision of the Commissioner under this section if a notice of appeal is served by the party appealing upon the other parties to the proceedings within fifteen days after the receipt by him of the notice of the decision. <i>New.</i>
Royalties	45. —(1) The Minister shall determine the royalty per tonne that each Crown aggregate permittee must pay under subsection 2, but in no case shall the royalty be less than the prescribed minimum royalty, and, in determining the royalty, the Minister shall have regard to the location, quantity, type and accessibility of the Crown aggregate and its intended use.
Royalties to be paid	(2) Every Crown aggregate permittee shall pay a royalty to the Treasurer on or before the tenth day of the month immediately following the month in which the Crown aggregate is removed from the site at the rate per tonne determined under subsection 1 multiplied by the number of tonnes removed.
Security	(3) The Minister may require a Crown aggregate permittee to give security of the prescribed kind and in an amount or amounts determined by the Minister for the payment of any sum that is due or that may become due under subsection 2.
Recovery of royalties in default	(4) Where a person defaults in the payment of a royalty under subsection 2, the amount thereof may be recovered by the Crown

from any security given under subsection 3 or as a debt due in any court of competent jurisdiction. *New.*

PART VI

REHABILITATION

46.—(1) Except as provided in subsection 2, this Part applies to every licensee and permittee. Application of Part

(2) Except as provided in subsection 2 of section 47, this Part does not apply to the Crown and its agents. *New.* Exception

47.—(1) Every licensee and every permittee shall rehabilitate his site in accordance with this Act, the regulations, the conditions of his licence or permit and the requirements of his site plan to the satisfaction of the Minister. Duty to rehabilitate site

(2) Where the Crown or its agent excavates Crown aggregate, the Crown or its agent, as the case may be, shall rehabilitate the Crown aggregate pit or quarry to the satisfaction of the Minister. *New.* Crown

48.—(1) Every licensee shall pay to the Treasurer on or before the 15th day of March in each year a sum calculated by multiplying the number of tonnes excavated from his site in the previous year by the prescribed rate per tonne of aggregate as security for the rehabilitation of the site. Rehabilitation security payments by licensees

(2) The payments specified in subsection 1 cease when the total to the credit of the licensee in his account reaches the prescribed maximum for each hectare of his site that in the opinion of the Minister requires rehabilitation. 1971, c. 96, s. 11 (1), *amended.* Maximum

49. Every person who applies for a permit for a wayside pit or quarry shall before the permit is issued pay to the Treasurer a sum calculated by multiplying the maximum number of tonnes that the permit authorizes by the prescribed rate per tonne of aggregate as security for the rehabilitation of the site. *New.* Rehabilitation security payments by wayside pit permittees

50.—(1) Every Crown aggregate permittee shall pay to the Treasurer on or before the tenth day of the month immediately following the month in which the Crown aggregate was removed from the site a sum calculated by multiplying the number of tonnes removed from his site by the prescribed rate per tonne of Crown aggregate as security for the rehabilitation of the site. Rehabilitation security payments by Crown aggregate permittees

(2) The payments specified in subsection 1 cease when the total to the credit of the Crown aggregate permittee in his account Maximum

reaches the prescribed maximum for each hectare of his site that in the opinion of the Minister requires rehabilitation. *New.*

Rehabilitation security accounts

51.—(1) Sums paid by a licensee, a wayside pit or quarry permittee or a Crown aggregate permittee under section 48, 49 or 50 shall be held in an account in his name and shall be paid out in accordance with this Part.

Interest payable

(2) Sums paid by a licensee or Crown aggregate permittee under section 48 or 50 shall earn interest at the prescribed rate.

Interest deemed security

(3) Interest earned under subsection 2 shall be deemed to form part of the rehabilitation security. *New.*

Partial refunds

52.—(1) Where a licensee or a Crown aggregate permittee submits proof to the satisfaction of the Minister that he has performed progressive rehabilitation on his site in accordance with this Act, the regulations, the conditions of his licence or Crown aggregate permit and the requirements of his site plan, he is entitled to a refund not more than twice a year out of his rehabilitation security account in accordance with the regulations.

Amount

(2) The Minister shall determine the amount of the refund mentioned in subsection 1, but in no case shall the amount of the refund reduce the amount remaining in the rehabilitation security account of the licensee or Crown aggregate permittee to less than the prescribed minimum per hectare requiring rehabilitation. *New.*

Refunds when rehabilitation work fully performed

53. Where a licensee or permittee has submitted proof to the satisfaction of the Minister that he has performed his final rehabilitation work in accordance with this Act, the regulations, the conditions of his licence or permit and the requirements of his site plan, the Treasurer shall refund to him the total sum to his credit in his rehabilitation security account. *New.*

When rehabilitation work not performed

54.—(1) Where a licence or permit is revoked or a permit expires and the rehabilitation work has not been performed in accordance with this Act, the regulations, the conditions of the licence or permit, and the requirements of the site plan to the satisfaction of the Minister, the Minister may enter upon the site and perform such rehabilitation work as he considers necessary. *New.*

Recovery of cost

(2) The cost of rehabilitation work performed by the Minister under subsection 1 is a debt due to the Crown by the former licensee or permittee and shall be paid by the Treasurer out of the former licensee's or permittee's rehabilitation security account into the Consolidated Revenue Fund. 1971, c. 96, s. 11, *amended.*

(3) Where any sum remains to the credit of the former licensee or permittee in his rehabilitation security account after the cost of rehabilitation work performed by the Minister under subsection 1 has been paid out under subsection 2, the sum so remaining shall be paid by the Treasurer to the former licensee or permittee. Disposition of surplus

(4) Where the sum to the credit of the former licensee or permittee in his rehabilitation security account is insufficient to defray the cost of rehabilitation work performed by the Minister under subsection 1, the amount of the deficiency is a debt due to the Crown by the former licensee or permittee and is recoverable by the Crown in any court of competent jurisdiction. Recovery of deficiency
New.

PART VII

OFFENCES AND PENALTIES

55.—(1) Every person who operates a pit or quarry without a licence is guilty of an offence. 1971, c. 96, s. 4 (1), *amended*. No operation of pit without licence

(2) Every person who operates a wayside pit or quarry or Crown aggregate pit or quarry without a permit is guilty of an offence. 1971, c. 96, s. 12 (1), *amended*. No operation of wayside pit or Crown aggregate pit without permit

(3) Every licensee who contravenes any condition of his licence or any requirement of his site plan is guilty of an offence. 1971, c. 96, s. 18 (1), *part, amended*. Contravention of licence or site plan

(4) Every permittee who contravenes any condition of his permit or any requirement of his site plan is guilty of an offence. 1971, c. 96, s. 18 (1), *part, amended*. Contravention of permit or site plan

(5) Every person who contravenes any provision of this Act or the regulations is guilty of an offence. 1971, c. 96, s. 18 (1), *part, amended*. Contravention of Act or regulations

(6) Every person who hinders or obstructs an inspector in the performance of his duties or furnishes him with false information or refuses to furnish him with information is guilty of an offence. 1971, c. 96, s. 13 (2), *amended*. Obstruction of inspectors

56.—(1) Every person who commits an offence under subsection 1 or 2 of section 55 is liable on summary conviction to a fine of not less than \$1,000 and not more than \$5,000 for each day on which the offence occurs or continues. Penalty

(2) Every person who commits an offence under subsection 3, 4, 5 or 6 of section 55 is liable on summary conviction to a fine of not less than \$200 and not more than \$5,000 for each day on which the offence occurs or continues. 1971, c. 96, s. 18 (1), *amended*. Idem

Consent

57. No prosecution for an offence under this Act shall be instituted without the consent of the Minister. 1971, c. 96, s. 18 (2), *amended*.

PART VIII

MISCELLANEOUS

Restraining
orders

58. Where it appears to the Minister that any person does not comply or intend to comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such noncompliance, the Minister may apply to the Supreme Court for an order directing such person to comply with such provision, and upon the application the court may make such order as the court considers proper. 1971, c. 96, s. 15, *amended*.

Service
of notices

59.—(1) Any notice required to be served under this Act or the regulations is sufficiently served if delivered personally or sent by registered mail addressed to the person upon whom service is to be made at the last address for service appearing on the records of the Ministry.

Idem

(2) Where service is made by registered mail, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, and for cause beyond his control, receive the notice until a later date. 1971, c. 96, s. 16, *amended*.

Conflicts

R.S.O. 1970,
c. 274

60.—(1) The provisions of this Act and the regulations are in addition to and not in substitution for the provisions of Part IX of *The Mining Act* or any provisions substituted therefor at any time.

Idem

(2) In the event of any conflict between any provision of this Act or the regulations and any provision of Part IX of *The Mining Act* or any provision substituted therefor at any time, the provision of this Act prevails. 1971, c. 96, s. 17, *amended*.

Conflicts

61. In the event that a provision of this Act or the regulations and a provision of any other Act, regulation or municipal by-law treat the same subject-matter in different ways, the provision of this Act or the regulation, as the case may be, prevails and the provision of the other Act, regulation or by-law is inoperative for the purposes of this Act. 1971, c. 96, s. 17 (2), *amended*.

Regulations

62. The Lieutenant Governor in Council may make regulations,

(a) respecting the management of the aggregate and Crown aggregate resources of Ontario;

- (b) prescribing material as aggregate;
- (c) prescribing material that is the property of the Crown as Crown aggregate;
- (d) prescribing duties of inspectors;
- (e) prescribing or providing for the calculation of fees and providing for the payment thereof;
- (f) prescribing the percentage of the total of the annual licence fees that shall be disbursed to municipalities, prescribing the amounts and manner of such disbursements and prescribing the municipalities to which such disbursements shall be made;
- (g) prescribing the percentage of the total of the annual licence fees that shall be set apart as a fund and disbursed for the purposes mentioned in subsection 2 of section 33;
- (h) respecting the control, management and operation of pits and quarries, wayside pits and quarries, and Crown aggregate pits and quarries;
- (i) prescribing the minimum royalty for Crown aggregate and providing for the payment thereof;
- (j) prescribing kinds of security for the purposes of subsection 3 of section 45;
- (k) governing the rehabilitation of pits and quarries, wayside pits and quarries and Crown aggregate pits and quarries;
- (l) respecting the form, terms and conditions of rehabilitation security, prescribing a rate per tonne of aggregate or Crown aggregate for the purpose of calculating rehabilitation security, prescribing maximum and minimum amounts per hectare of rehabilitation security for pits and quarries, wayside pits and quarries and Crown aggregate pits and quarries, prescribing the rate of interest payable thereon and providing for refunds from rehabilitation security accounts;
- (m) requiring and providing for the records and information that must be kept and returns that must be made by licensees and permittees;
- (n) prescribing forms for the purposes of this Act and providing for their use;

(o) designating parts of Ontario in which this Act and the regulations apply; and

(p) respecting any matter considered necessary or advisable to carry out the intent and purpose of this Act. 1971, c. 96, s. 19 (1), *amended*.

Relief
from
compliance

63.—(1) Where in the opinion of the Minister it is not contrary to the public interest, he may in writing relieve any licensee or permittee from compliance in whole or in part with any provision of the regulations, subject to any conditions as he considers necessary. 1971, c. 96, s. 19 (2), *amended*.

Idem

(2) The Minister may at any time rescind or vary any relief granted under subsection 1. *New*.

Pits and
quarries
licensed
under
1971, c. 96

64.—(1) Notwithstanding section 69, *The Pits and Quarries Control Act, 1971* and the regulations thereunder continue to apply to every pit or quarry for which an operator is licensed under that Act for six months after this Act comes into force except where the licence expires under subsection 2.

Application
for a
licence under
this Act

(2) During the first three months of the six-month period mentioned in subsection 1, an application for a licence under this Act accompanied by the prescribed fee may be made by a licensee under *The Pits and Quarries Control Act, 1971* in respect of his pit or quarry and, if an application is not so made, the licence under *The Pits and Quarries Control Act, 1971* expires at the end of such three-month period.

Same site
for which
operator is
licensed

(3) The site that is the subject of an application under subsection 2 must be the same site for which the licensee is licensed under *The Pits and Quarries Control Act, 1971*.

Licence
to be
issued

(4) Within the six-month period mentioned in subsection 1 and provided the applicant has paid fees and deposited rehabilitation security as required under *The Pits and Quarries Control Act, 1971*, the Minister shall issue a licence under this Act in respect of every application under subsection 2 even if the requirements of sections 8 and 9 have not been met and whether or not any relevant restricted area by-law is complied with, and as soon as a licence is issued under this Act for a pit or quarry to which this section applies, the licence under *The Pits and Quarries Control Act, 1971* expires and that Act and the regulations thereunder cease to apply, but the site plan under that Act continues in effect until superseded by a site plan under this Act.

When new
site plan
requirements
to be met

(5) The copies of the site plan referred to in section 8 and the report referred to in section 9 must be served upon the Minister within six months after the licensee has been served with a

demand therefor by the Minister or within three years after this Act comes into force, whichever occurs first.

(6) Clauses *a*, *b* and *c* of subsection 2 of section 7 and subsections 2 to 8 of section 12 do not apply to applications made under subsection 2 of this section.

s. 7 (2) (*a-c*),
s. 12 (2-8)
do not apply

(7) Where a licence is issued under this section, all security and interest on deposit or security payable at a future time, as the case may be, under *The Pits and Quarries Control Act, 1971* shall be deemed to be rehabilitation security on deposit or payable as provided under this Act.

Rehabilitation
security
1971, c. 96

(8) Where a licence is issued under this section, any rehabilitation that has been carried out in respect of a pit or quarry for which an operator is licensed under *The Pits and Quarries Control Act, 1971* and for which the operator has not received credit under that Act before this Act comes into force shall be deemed to be rehabilitation done for the purpose of this Act.

Credit for
rehabilitation
under
1971, c. 96

(9) Notwithstanding section 69, every permit issued under *The Pits and Quarries Control Act, 1971* that is subsisting when this Act comes into force continues in force as though this Act had not been passed until the expiration of its term. *New.*

Subsisting
permit under
1971, c. 96
continues
in force

65.—(1) Where a part of Ontario is designated for the purpose of this Act under subsection 2 of section 5, all the provisions of this Act and the regulations apply to every established pit and quarry in such part.

Act and
regulations
apply to pits
and quarries
in newly
designated
part of
Ontario

(2) Notwithstanding subsection 1, where the requirements of section 7, except clause *c* of subsection 2, are complied with during the six-month period next following the date of the designation mentioned in subsection 1, a licence for an established pit or quarry must be issued or refused during the twelve-month period next following the designation.

Licence must
be issued or
refused
during
twelve-month
period

(3) Notwithstanding subsection 1 of section 55, a person who applies for a licence during the six-month period next following the date of the designation mentioned in subsection 1 may operate his established pit or quarry without a licence until the licence is either issued or refused or the twelve-month period next following the date of the designation expires, whichever occurs first.

Right to
operate
for limited
period
without
licence

(4) Notwithstanding subsection 1, subsections 2 to 8 of section 12 do not apply where an application for a licence for an established pit or quarry is made during the two-year period next following the date of the designation mentioned in subsection 1.

Non-
application
of s. 12 (2-8)

Restricted
area by-law

(5) Notwithstanding subsection 3 of section 13, where an application for a licence for an established pit or quarry is made during the two-year period next following the date of the designation mentioned in subsection 1, the Minister may issue a licence for an established pit or quarry even if its location contravenes any relevant restricted area by-law.

Person deemed
licensee
from date of
designation

(6) For the purposes of this Act and the regulations, where a person has been issued a licence for an established pit or quarry he shall be deemed to be a licensee from the date of the designation mentioned in subsection 1. *New.*

Application
under
1971, c. 96
deemed
application
under this
Act

66.—(1) Where an application for a licence to operate a pit or quarry has been made under *The Pits and Quarries Control Act, 1971* but no licence has been issued or refused by the Minister under that Act before this Act comes into force, the application shall be deemed to be an application made under this Act if the applicant has, before this Act comes into force, complied with all the requirements of that Act respecting the application, in which case the applicant shall comply with the requirements of section 7 of this Act within six months after this Act comes into force.

Minister
may refuse
to consider
application

(2) Where in the opinion of the Minister the applicant fails to comply with the requirements of subsection 1, the Minister may refuse to consider the application further.

Hearing
before the
Board

(3) Where an applicant complies with the requirements of subsection 1, a hearing pending before the Board or in respect of which the Board has not reported to the Minister respecting a matter referred to it under *The Pits and Quarries Control Act, 1971* shall be deemed to be a hearing for the purposes of this Act. *New.*

R.S.O. 1970,
c. 274,
Part VII,
not
applicable

67. Part VII of *The Mining Act* or any provision substituted therefor at any time does not apply in any part of Ontario to which this Act applies. *New.*

Quarry
permits

68.—(1) Every quarry permit issued under Part VII of *The Mining Act* that is subsisting when this Act comes into force continues in force as though this Act had not been passed until the expiration of its term.

Idem

(2) For the purpose of subsection 2 of section 34, the holder of a quarry permit referred to in subsection 1 shall be deemed to be a Crown aggregate permittee. *New.*

1971, c. 96;
1978, c. 87,
s. 29, repealed

69. *The Pits and Quarries Control Act, 1971*, being chapter 96 and section 29 of *The Metric Conversion Statute Law Amendment Act, 1978*, being chapter 87, are repealed.

70. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

71. The short title of this Act is *The Aggregates Act, 1980*. Short title

BILL 127

An Act to revise
The Pits and Quarries Control Act, 1971

1st Reading

March 11th, 1980

2nd Reading

March 11th, 1980

3rd Reading

THE HON. J. A. C. AULD
Minister of Natural Resources

(Government Bill)

20N
556

3

Publication

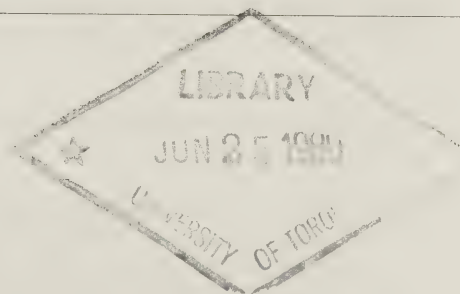
11 BILL 128

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ^TONTARIO
29 ELIZABETH II, 1980 *Legislative Assembly*

An Act to amend The Funeral Services Act, 1976

MR. FOULDS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to prohibit a funeral director from embalming a dead human body unless he has been specifically instructed to do so by the purchaser of funeral services or unless the body is to be transported out of Ontario.

BILL 128

1980

An Act to amend The Funeral Services Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Funeral Services Act, 1976*, being chapter 83, is ^{s. 37,} repealed and the following substituted therefor: ^{re-enacted}

37.—(1) No person who is a licensee under this Act shall ^{Embalming} embalm a human body unless,

(a) the embalming has been specifically directed by the purchaser of funeral services and provided for in an agreement for the purchase and sale of funeral services; or

(b) the human body is to be transported out of Ontario.

(2) No person shall transport a dead human body out of Ontario ^{Transportation} unless it has been embalmed and prepared for transport by a ^{of body out} funeral director. ^{of Ontario}

2. Subsection 1 of section 38 of the said Act is repealed and the ^{s. 38 (1),} following substituted therefor: ^{re-enacted}

(1) Every person who is in contravention of subsection 1 or 2 of ^{Penalties} section 5, subsection 1 of section 24 or subsection 1 of section 37 is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$2,000 and for each subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months.

3. This Act comes into force on the day it receives Royal Assent. ^{Commence-}

4. The short title of this Act is *The Funeral Services Amendment Act,* ^{Short title} 1980.

BILL 128

An Act to amend
The Funeral Services Act, 1976

1st Reading

June 13th, 1980

2nd Reading

3rd Reading

MR. FOULDS

(Private Member's Bill)

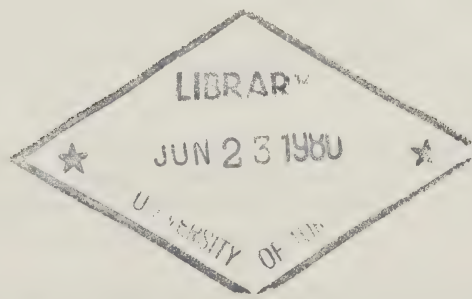
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4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Public Vehicles Act

THE HON. J. W. SNOW
Minister of Transportation and Communications



EXPLANATORY NOTES

SECTION 1. The new definition being added is complementary to section 2 of the Bill.

SECTION 2. The existing section 2 of the Act has been re-enacted with a clarification in the meaning of section 2 (2). The new section 2*a* prohibits the leasing of a bus of a specified capacity for less than twenty-two days unless the bus is used within one municipality only. The new section 2*b* is a penalty section.

BILL 129

1980

An Act to amend The Public Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Vehicles Act*, being chapter 392 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 74 and 1977, chapter 32, section 1, is further amended by relettering clause *aa* as clause *ab* and by adding thereto the following clause:

(*aa*) "bus" means a bus as defined in *The Highway Traffic Act*. s. 1,
amended
R.S.O. 1970,
c. 202

2. Section 2 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 74, is repealed and the following substituted therefor: s. 2,
re-enacted

2.—(1) Notwithstanding the provisions of any private Act, no person shall operate a public vehicle, Operating
licence
required

(*a*) except under an operating licence; or

(*b*) in contravention of the terms and conditions of the operating licence.

(2) No person shall arrange or offer to arrange the transportation of passengers by means of a public vehicle operated by another person unless that other person is the holder of an operating licence authorizing him to perform the transportation. Arranging
transportation

2*a*.—(1) No person, while transporting passengers therein for compensation or otherwise, shall operate a leased bus that has a designed seating capacity for more than thirty-five passengers unless, Transporting
in leased
bus

(*a*) the bus is leased to him for a term of not less than twenty-two days under a lease that is not terminable within the first twenty-two days of its term; or

- (b) the bus is operated solely within the corporate limits of one urban municipality.

Leased
bus

(2) No person shall lease out a bus that has a designed seating capacity for more than thirty-five passengers under a lease that has a term of less than twenty-two days or is terminable within the first twenty-two days of its term unless he obtains from the lessee a declaration in the prescribed form that the bus is to be operated solely within the corporate limits of one urban municipality.

Interpre-
tation

(3) The chartering of a bus and driver by the holder of an operating licence from another holder of an operating licence does not constitute the leasing of a bus for the purposes of this section.

Offence

2b.—(1) Every person who contravenes subsection 1 of section 2 or any provision of section 2a is guilty of an offence and on conviction is liable,

(a) for a first offence, to a fine of not less than \$250 and not more than \$5,000; and

(b) for each subsequent offence, to a fine of not less than \$500 and not more than \$5,000.

Subsequent
offence
within five-
year period

(2) Where a person who has previously been convicted of an offence mentioned in subsection 1 is convicted of the same or any other offence mentioned in subsection 1 within five years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause b of subsection 1.

s. 3,
amended

3. Section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by adding thereto the following subsections:

Special
authority

(6) Where the Minister is of the opinion that public necessity and convenience will be served thereby, he may grant to the holder of an operating licence a special authority that augments his operating licence to the extent set out in the special authority, subject to the terms and conditions therein, for a period not exceeding seven days.

Act, etc.,
continues
to apply

(7) The provisions of this Act, except sections 4 and 10, and the regulations and the terms and conditions of the licensee's operating licence shall continue to apply during the period of validity of the special authority to the extent that they are not inconsistent therewith.

Delegation
by Minister

(8) The Minister may delegate to a member or members of the Board his powers under subsection 6.

SECTION 3. The Act now provides that the Minister may issue an operating licence in accordance with a certificate issued by the Board. The new provision extends the Minister's power so that he may, for a limited period in special circumstances, increase the authority given by the licence. The Minister may also delegate this new power.

SECTION 4.—Subsection 1. The amendment proposes a minor change to the effect that an application to the Board will be in a form provided by the Ministry rather than in accordance with a prescribed form.

Subsection 2. Section 4 (2) of the Act sets out matters that the Board may specify in a certificate issued by it. The new provision adds to the matters that may be dealt with.

Subsection 3. The provision added clarifies that an operating licence is dependent on a certificate issued by the Board.

SECTION 5.—Subsection 1. As in the previous section, the amendment proposes a minor change to the effect that an application for a transfer of an operating licence will be in a form provided by the Ministry rather than in accordance with a prescribed form.

Subsection 2. The amendment clarifies that an application for a transfer of an operating licence shall be heard under *The Ontario Highway Transport Board Act*.

SECTION 6. This is complementary to section 4 of the Bill.

4.—(1) Subsection 1 of section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by striking out “in the prescribed form” in the third line and inserting in lieu thereof “on the form provided therefor by the Ministry”. s. 4 (1),
amended

(2) Subsection 2 of the said section 4 is amended by striking out “or” at the end of clause *a*, by adding “and” at the end of clause *b* and by adding thereto the following clause: s. 4 (2),
amended

(c) prescribe that a licence expire at the end of a specified term, upon a specified day or upon the occurrence of a specified event.

(3) The said section 4 is amended by adding thereto the following subsection: s. 4,
amended

(4) Where a certificate issued by the Board under this section is revoked or amended, the operating licence issued as a result of that certificate shall be revoked or amended accordingly, and the revocation or amendment of the licence shall be effective on the fifth day after the day notice of the revocation or amendment is mailed by registered mail addressed to the licensee at his last known address. Where
certificate
revoked or
amended

5.—(1) Subsection 1 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by striking out “in the prescribed form” in the third line and inserting in lieu thereof “on the form provided therefor by the Ministry”. s. 5 (1),
amended

(2) Subsection 2 of the said section 5 is amended by inserting after “hearing” in the third line “as required by *The Ontario Highway Transport Board Act*”. s. 5 (2),
amended

6.—(1) Subsection 1 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by inserting after “licence” in the first line “for which a day for expiry has not been fixed”. s. 6 (1),
amended

(2) The said section 6 is amended by adding thereto the following subsection: s. 6,
amended

(3) Subsections 1 and 2 do not apply to an operating licence that by its terms expires at the end of a specified term, upon a specified day or upon the occurrence of a specified event. Where
subss. 1 and 2
do not apply

s. 9a,
amended

- 7.** Section 9a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by adding thereto the following clause:

(ba) where the past conduct of the applicant or licensee, or, where the applicant or licensee is a corporation, of its officers or directors, affords reasonable grounds for belief that the transportation service will not be operated in accordance with the law and with honesty and integrity.

s. 9c (1),
amended

- 8.—(1)** Subsection 1 of section 9c of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by striking out “in the prescribed form” in the third line and inserting in lieu thereof “on the form provided therefor by the Ministry”.

s. 9c (2),
re-enacted

- (2) Subsection 2 of the said section 9c is repealed and the following substituted therefor:

Idem

- (2) No vehicle licence shall be issued for a public vehicle except to the holder of an operating licence who,

R.S.O. 1970,
c. 202

- (a) is registered as the owner of the vehicle under *The Highway Traffic Act*; or
- (b) has entered into an agreement for the lease of the vehicle in accordance with this Act and the regulations.

s. 9e,
amended

- 9.** Subsection 2 of section 9e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by striking out “number” in the third line and inserting in lieu thereof “plate”.

s. 9f,
amended

- 10.** Section 9f of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by striking out “registered as owner of the vehicle under *The Highway Traffic Act*” in the third and fourth lines and inserting in lieu thereof “eligible to be issued a licence under subsection 2 of section 9c”.

s. 11 (2),
amended

- 11.** Subsection 2 of section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by inserting after “hearing” in the second line “as required by *The Ontario Highway Transport Board Act*”.

s. 13,
amended

- 12.** Section 13 of the said Act is amended by striking out “or operator” in the first line.

s. 14,
amended

- 13.** Section 14 of the said Act is amended by striking out “or operator” in the first line.

SECTION 7. Section 9*a* of the Act sets out the circumstances under which the Minister may suspend or cancel an operating licence. The new provision adds another ground for suspension or cancellation.

SECTION 8.—Subsection 1. This is another minor change whereby a form would be provided by the Ministry for an application for a vehicle licence.

Subsection 2. The provision now provides that a vehicle licence for a public vehicle shall be issued only to the person registered as owner of the vehicle. This is extended to include a person who is leasing the vehicle.

SECTION 9. This is a housekeeping change.

SECTION 10. This change is complementary to subsection 2 of section 8 of the Bill.

SECTION 11. The amendment clarifies that a hearing is to be held under the Act specified.

SECTIONS 12 AND 13. The amendments remove an ambiguity whereby it may be construed that an operator of a bus is not the driver.

SECTION 14. The new provision allows an officer to stop a bus in order to examine its contents and equipment. This is similar to the authority given in section 15b of *The Public Commercial Vehicles Act* to stop commercial vehicles and is an extension and clarification of the authority to examine now contained in the current section 22a of the Act. Provision also is made that where a leased bus is used to transport passengers, the lease or a copy of the lease must be carried in the bus.

SECTION 15. The general penalty provision is amended to provide that the minimum penalty is increased from \$50 to \$150 and that the maximum penalty is increased from \$200 to \$1,500. Furthermore, there is a penalty provided for making false affidavits, etcetera.

- 14.** Section 22a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is repealed and the following substituted therefor: s. 22a,
re-enacted

22a.—(1) A member of the Ontario Provincial Police Force or an officer of the Ministry may, for the purpose of an examination in accordance with subsection 2, direct, by signals or otherwise, the driver of any bus that is being driven on a highway to stop, and the driver upon being so directed shall stop the vehicle. Stopping
vehicle for
examination

(2) A member of the Ontario Provincial Police Force or an officer of the Ministry may at any time examine any bus, its contents and equipment for the purpose of ascertaining whether this Act and the regulations are being complied with in the operation of the bus, and the driver or other person in control of the bus shall assist in the examination of the bus, its contents and equipment. Examination
of bus

(3) Where a leased bus is being operated on a highway for the purpose of transporting passengers, the lease, or a true copy thereof, shall be carried by the driver of the bus or placed in some readily accessible position in the bus and shall be surrendered for reasonable inspection upon the demand of a member of the Ontario Provincial Police Force or an officer of the Ministry. Production
of lease

(4) An officer of the Ministry may at any time examine all books, records and documents of the holder of an operating licence relating to the business of operating public vehicles for the purpose of ensuring that the provisions of this Act and the regulations are being complied with and such officer may, for the purposes of such examination, upon producing his designation as an officer, enter at any reasonable time the business premises of the holder. Examination
of records,
etc., of
holder of
operating
licence

- 15.** Section 23 of the said Act is repealed and the following substituted therefor: s. 23,
re-enacted

23.—(1) Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not less than \$150 and not more than \$1,500. Offences

(2) Every person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this Act or by the regulations or by the Ministry is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days, or to both. Idem

s. 25 (a),
re-enacted

16.—(1) Clause *a* of section 25 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is repealed and the following substituted therefor:

- (a) prescribing forms for the purposes of this Act and providing for their use;
- (b) governing the application for a licence or for a renewal or transfer of a licence and prescribing classes of licences.

s. 25 (l),
re-enacted

(2) Clause *l* of the said section 25 is repealed and the following substituted therefor:

- (l) defining chartered trips, special trips, scheduled services and school buses, and prescribing special terms and conditions with respect to such trips or buses and regulating such trips or services.

s. 25,
amended

(3) The said section 25, as amended by the Statutes of Ontario, 1971, chapter 50, section 74, is further amended by adding thereto the following clauses:

- (h) governing the material and information to be filed with tariffs of tolls filed under this Act;
- (i)
- (n) providing for the payment of fees for copies of or access to any writing, paper or document filed in the Ministry under this Act or the regulations or any statement containing information from the records of the Ministry and prescribing the amount of such fees;
- (o) prescribing terms that shall be deemed to be incorporated into all leases referred to in sections 1*a* and 9*c*.

s. 26,
amended

17. Subsection 1 of section 26 of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 23, section 1, is amended by striking out "application or reference is made" in the seventh line and inserting in lieu thereof "hearing or review is commenced".

Commence-
ment

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. The short title of this Act is *The Public Vehicles Amendment Act, 1980*.

SECTION 16. The power to make regulations is expanded.

SECTION 17. Section 26 of the Act provides that the Lieutenant Governor in Council may issue policy statements setting out matters to be considered by the Board. Currently, the Board is to take such matters into consideration in respect of an application or reference made after the policy statement. The amendment would change this so that the Board would take such matters into consideration where the hearing or review is started after the policy statement is made.

BILL 129

An Act to amend
The Public Vehicles Act

1st Reading

June 16th, 1980

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Transportation
and Communications

(Government Bill)

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BILL 129

Government
Publications

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Public Vehicles Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Public Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Public Vehicles Act*, being chapter 392 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 74 and 1977, chapter 32, section 1, is further amended by relettering clause *aa* as clause *ab* and by adding thereto the following clause:

(aa) "bus" means a bus as defined in *The Highway Traffic Act*. s. 1,
amended

R.S.O. 1970,
c. 202

2. Section 2 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 74, is repealed and the following substituted therefor: s. 2,
re-enacted

2.—(1) Notwithstanding the provisions of any private Act, no person shall operate a public vehicle, Operating
licence
required

(a) except under an operating licence; or

(b) in contravention of the terms and conditions of the operating licence.

(2) No person shall arrange or offer to arrange the transportation of passengers by means of a public vehicle operated by another person unless that other person is the holder of an operating licence authorizing him to perform the transportation. Arranging
transportation

2a.—(1) No person, while transporting passengers therein for compensation or otherwise, shall operate a leased bus that has a designed seating capacity for more than thirty-five passengers unless, Transporting
in leased
bus

(a) the bus is leased to him for a term of not less than twenty-two days under a lease that is not terminable within the first twenty-two days of its term; or

- (b) the bus is operated solely within the corporate limits of one urban municipality.

Leased
bus

(2) No person shall lease out a bus that has a designed seating capacity for more than thirty-five passengers under a lease that has a term of less than twenty-two days or is terminable within the first twenty-two days of its term unless he obtains from the lessee a declaration in the prescribed form that the bus is to be operated solely within the corporate limits of one urban municipality.

Interpre-
tation

(3) The chartering of a bus and driver by the holder of an operating licence from another holder of an operating licence does not constitute the leasing of a bus for the purposes of this section.

Offence

2b.—(1) Every person who contravenes subsection 1 of section 2 or any provision of section 2a is guilty of an offence and on conviction is liable,

(a) for a first offence, to a fine of not less than \$250 and not more than \$5,000; and

(b) for each subsequent offence, to a fine of not less than \$500 and not more than \$5,000.

Subsequent
offence
within five-
year period

(2) Where a person who has previously been convicted of an offence mentioned in subsection 1 is convicted of the same or any other offence mentioned in subsection 1 within five years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause b of subsection 1.

s. 3,
amended

3. Section 3 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by adding thereto the following subsections:

Special
authority

(6) Where the Minister is of the opinion that public necessity and convenience will be served thereby, he may grant to the holder of an operating licence a special authority that augments his operating licence to the extent set out in the special authority, subject to the terms and conditions therein, for a period not exceeding seven days.

Act, etc.,
continues
to apply

(7) The provisions of this Act, except sections 4 and 10, and the regulations and the terms and conditions of the licensee's operating licence shall continue to apply during the period of validity of the special authority to the extent that they are not inconsistent therewith.

Delegation
by Minister

(8) The Minister may delegate to a member or members of the Board his powers under subsection 6.

4.—(1) Subsection 1 of section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by striking out “in the prescribed form” in the third line and inserting in lieu thereof “on the form provided therefor by the Ministry”. s. 4 (1),
amended

(2) Subsection 2 of the said section 4 is amended by striking out “or” at the end of clause *a*, by adding “and” at the end of clause *b* and by adding thereto the following clause: s. 4 (2),
amended

(c) prescribe that a licence expire at the end of a specified term, upon a specified day or upon the occurrence of a specified event.

(3) The said section 4 is amended by adding thereto the following subsection: s. 4,
amended

(4) Where a certificate issued by the Board under this section is revoked or amended, the operating licence issued as a result of that certificate shall be revoked or amended accordingly, and the revocation or amendment of the licence shall be effective on the fifth day after the day notice of the revocation or amendment is mailed by registered mail addressed to the licensee at his last known address. Where
certificate
revoked or
amended

5.—(1) Subsection 1 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by striking out “in the prescribed form” in the third line and inserting in lieu thereof “on the form provided therefor by the Ministry”. s. 5 (1),
amended

(2) Subsection 2 of the said section 5 is amended by inserting after “hearing” in the third line “as required by *The Ontario Highway Transport Board Act*”. s. 5 (2),
amended

6.—(1) Subsection 1 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by inserting after “licence” in the first line “for which a day for expiry has not been fixed”. s. 6 (1),
amended

(2) The said section 6 is amended by adding thereto the following subsection: s. 6,
amended

(3) Subsections 1 and 2 do not apply to an operating licence that by its terms expires at the end of a specified term, upon a specified day or upon the occurrence of a specified event. Where
subss. 1 and 2
do not apply

s. 9a,
amended

7. Section 9a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by adding thereto the following clause:

(ba) where the past conduct of the applicant or licensee, or, where the applicant or licensee is a corporation, of its officers or directors, affords reasonable grounds for belief that the transportation service will not be operated in accordance with the law and with honesty and integrity.

s. 9c (1),
amended

- 8.—(1) Subsection 1 of section 9c of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by striking out “in the prescribed form” in the third line and inserting in lieu thereof “on the form provided therefor by the Ministry”.

s. 9c (2),
re-enacted

- (2) Subsection 2 of the said section 9c is repealed and the following substituted therefor:

Idem

(2) No vehicle licence shall be issued for a public vehicle except to the holder of an operating licence who,

R.S.O. 1970,
c. 202

(a) is registered as the owner of the vehicle under *The Highway Traffic Act*; or

(b) has entered into an agreement for the lease of the vehicle in accordance with this Act and the regulations.

s. 9e,
amended

9. Subsection 2 of section 9e of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by striking out “number” in the third line and inserting in lieu thereof “plate”.

s. 9f,
amended

10. Section 9f of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by striking out “registered as owner of the vehicle under *The Highway Traffic Act*” in the third and fourth lines and inserting in lieu thereof “eligible to be issued a licence under subsection 2 of section 9c”.

s. 11 (2),
amended

11. Subsection 2 of section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is amended by inserting after “hearing” in the second line “as required by *The Ontario Highway Transport Board Act*”.

s. 13,
amended

12. Section 13 of the said Act is amended by striking out “or operator” in the first line.

s. 14,
amended

13. Section 14 of the said Act is amended by striking out “or operator” in the first line.

- 14.** Section 22a of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is repealed and the following substituted therefor:

22a.—(1) A member of the Ontario Provincial Police Force or an officer of the Ministry may, for the purpose of an examination in accordance with subsection 2, direct, by signals or otherwise, the driver of any bus that is being driven on a highway to stop, and the driver upon being so directed shall stop the vehicle.

s. 22a.
re-enacted
Stopping
vehicle for
examination

(2) A member of the Ontario Provincial Police Force or an officer of the Ministry may at any time examine any bus, its contents and equipment for the purpose of ascertaining whether this Act and the regulations are being complied with in the operation of the bus, and the driver or other person in control of the bus shall assist in the examination of the bus, its contents and equipment.

Examination
of bus

(3) Where a leased bus is being operated on a highway for the purpose of transporting passengers, the lease, or a true copy thereof, shall be carried by the driver of the bus or placed in some readily accessible position in the bus and shall be surrendered for reasonable inspection upon the demand of a member of the Ontario Provincial Police Force or an officer of the Ministry.

Production
of lease

(4) An officer of the Ministry may at any time examine all books, records and documents of the holder of an operating licence relating to the business of operating public vehicles for the purpose of ensuring that the provisions of this Act and the regulations are being complied with and such officer may, for the purposes of such examination, upon producing his designation as an officer, enter at any reasonable time the business premises of the holder.

Examination
of records,
etc., of
holder of
operating
licence

- 15.** Section 23 of the said Act is repealed and the following substituted therefor:

s. 23.
re-enacted

23.—(1) Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not less than \$150 and not more than \$1,500.

Offences

(2) Every person who knowingly makes a false statement in an application, declaration, affidavit or paper writing required by this Act or by the regulations or by the Ministry is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$200 or to imprisonment for a term of not more than thirty days, or to both.

Idem

s. 25 (a),
re-enacted

16.—(1) Clause *a* of section 25 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 74, is repealed and the following substituted therefor:

- (a) prescribing forms for the purposes of this Act and providing for their use;
- (b) governing the application for a licence or for a renewal or transfer of a licence and prescribing classes of licences.

s. 25 (l),
re-enacted

(2) Clause *l* of the said section 25 is repealed and the following substituted therefor:

- (l) defining chartered trips, special trips, scheduled services and school buses, and prescribing special terms and conditions with respect to such trips or buses and regulating such trips or services.

s. 25,
amended

(3) The said section 25, as amended by the Statutes of Ontario, 1971, chapter 50, section 74, is further amended by adding thereto the following clauses:

- (h) governing the material and information to be filed with tariffs of tolls filed under this Act;
-
- (n) providing for the payment of fees for copies of or access to any writing, paper or document filed in the Ministry under this Act or the regulations or any statement containing information from the records of the Ministry and prescribing the amount of such fees;
- (o) prescribing terms that shall be deemed to be incorporated into all leases referred to in sections 1*a* and 9*c*.

s. 26,
amended

17. Subsection 1 of section 26 of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 23, section 1, is amended by striking out “application or reference is made” in the seventh line and inserting in lieu thereof “hearing or review is commenced”.

Commence-
ment

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. The short title of this Act is *The Public Vehicles Amendment Act, 1980*.

An Act to amend
The Public Vehicles Act

1st Reading

June 16th, 1980

2nd Reading

June 19th, 1980

3rd Reading

June 19th, 1980

THE HON. J. W. SNOW
Minister of Transportation
and Communications

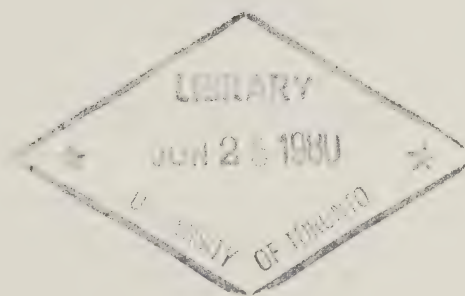
BILL 130

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ²ONTARIO
29 ELIZABETH II, 1980 ¹⁷

**An Act to provide
Parking Facilities for Physically Handicapped Persons**

MR. KENNEDY



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of this Bill is to ensure that parking facilities are made available to physically handicapped persons.

The Bill provides that at least 1 per cent of all parking spaces in parking lots containing more than twenty-five parking spaces to which the public has access will be designated for the sole use of vehicles operated by physically handicapped persons and vehicles conveying physically handicapped persons.

Parking lots owned or operated by public authorities located within 200 metres of a public building must provide at least 2 per cent of all parking spaces as designated parking spaces.

Municipalities will be able to specify that a higher percentage of designated parking spaces be provided.

The bill will also allow physically handicapped persons to apply to the council of a municipality to pass by-laws exempting physically handicapped persons from the municipality's on-street parking by-laws. If the council refuses or neglects to pass the by-law, the applicant may appeal to the Ontario Municipal Board.

The Bill prescribes a procedure for obtaining permits for the use of designated parking spaces. The permits will be available from municipal clerks and will be valid throughout Ontario. The permits will also allow physically handicapped persons to take advantage of exemptions from on-street parking by-laws.

A minimum \$25 fine is prescribed for improper use of any designated parking space, whether the parking space has been provided voluntarily by the parking lot owner or pursuant to the mandatory provisions of the Act.

BILL 130

1980

An Act to provide Parking Facilities for Physically Handicapped Persons

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “conveying” includes picking up and discharging;
- (b) “designated parking space” means a parking space marked by a sign, as described in the Schedule, as a parking space for,
 - (i) a vehicle operated by a physically handicapped person, and
 - (ii) a vehicle conveying a physically handicapped person,

and includes a parking space designated pursuant to a by-law passed under paragraph 131a of subsection 1 of section 354 of *The Municipal Act*;

R.S.O. 1970,
c. 284

- (c) “physically handicapped person” means a person who is permanently or temporarily,
 - (i) confined to a wheelchair,
 - (ii) required to use crutches, braces or other devices that seriously restrict the mobility of the person, or
 - (iii) for medical reasons, not referred to in subclause i or ii, seriously restricted in his or her mobility;

- (d) “public authority” means,

- (i) the Crown and every board and agency thereof,
- (ii) conservation authorities,
- (iii) a municipality and every local board thereof,
- (iv) Ontario Hydro;

(e) “public building” means a building owned by or leased to a public authority and that is used by a public authority in carrying on its business or undertaking.

Administration of Act	2. The Minister of Intergovernmental Affairs is responsible for the administration of this Act.
Application to Crown	3. This Act binds the Crown.
Designated parking spaces	4.—(1) Any owner of or operator of a parking lot or other parking facility may provide designated parking spaces.
Mandatory designation	(2) Every owner and every operator of a parking lot or other parking facility to which the public has access, whether on payment of a fee or otherwise, and which contains more than twenty-five parking spaces shall provide at least one designated parking space for each one hundred parking spaces or part thereof in the lot or facility.
Parking lots adjacent to public buildings	(3) Notwithstanding subsection 2, where a parking lot or other parking facility owned or operated by a public authority is located within two hundred metres of a public building, the public authority shall provide at least two designated parking spaces for each one hundred parking spaces or part thereof in the lot or facility.
Application of municipal by-laws R.S.O. 1970, c. 284	(4) Where, under paragraph 131 <i>a</i> of subsection 1 of section 354 of <i>The Municipal Act</i> , a municipality has passed a by-law requiring more than the number of designated parking spaces required under subsection 1, the number of designated parking spaces required by the by-law shall be provided.
Signs	(5) Every designated parking space shall be conspicuously marked by a sign, as described in the Schedule.
Dimension	(6) A designated parking space required under subsection 2 or 3 or under a by-law passed under paragraph 131 <i>a</i> of subsection 1 of section 354 of <i>The Municipal Act</i> shall have a minimum length of six metres and a minimum width of four metres.
By-laws	5.—(1) Where, upon the application of a physically handicapped person, a municipality refuses or neglects to pass a by-law

under paragraph 107*b* of subsection 1 of section 354 of *The Municipal Act* within ninety days of the receipt of the application by the clerk of the municipality, the applicant may appeal to the Ontario Municipal Board and the Board shall hear the appeal and dismiss the same or direct that the by-law be passed, with or without amendments, in accordance with its order.

R.S.O. 1970,
c. 284

(2) The Ontario Municipal Board, in considering an appeal under this section, shall consider as relevant factors,

Relevant
factors

- (a) the needs of the physically handicapped person;
- (b) the availability of off-street parking;
- (c) the safety of other users of the highways; and
- (d) such other matters as the Board considers relevant.

6. Every by-law passed under paragraphs 107*b* and 131*a* of subsection 1 of section 354 of *The Municipal Act* shall be deemed to apply to both vehicles operated by physically handicapped persons and to vehicles conveying physically handicapped persons.

Interpre-
tation of
by-laws

7.—(1) Upon the application in Form 1 of a physically handicapped person and upon compliance with subsection 2, the clerk of a municipality shall issue a permit in Form 2 to the physically handicapped person.

Permits

(2) An application under subsection 1 shall be accompanied by the certificate in Form 3 of a qualified medical practitioner certifying that the applicant is a physically handicapped person as defined in clause *c* of section 1.

Medical
certificate

(3) The information contained in Form 3 is confidential and, except for the purpose of a prosecution under this Act, no person shall publish, disclose or communicate the information contained in Form 3.

Confidential
information

(4) A permit issued to a person who is a permanently physically handicapped person is valid in perpetuity and a permit issued to a temporarily physically handicapped person is valid for three months from the date of issue.

Period of
validity

(5) A permit issued under this section is valid throughout Ontario for the purposes of this Act and every by-law passed under paragraphs 107*b* and 131*a* of subsection 1 of section 354 of *The Municipal Act*.

Province-
wide validity

Fee	(6) The council of a municipality may, by by-law, prescribe a fee not exceeding \$2 for the issue of a permit under this section.
Use of permit	(7) A permit issued under this section may be used by the physically handicapped person in any vehicle whether the person is operating the vehicle or being conveyed in the vehicle.
Display of permit R.S.O. 1970, c. 284	8. For the purpose of an exemption provided under a by-law passed under paragraph 107 <i>b</i> of subsection 1 of section 354 of <i>The Municipal Act</i> and for the purpose of using a designated parking space, a permit issued under section 7 shall be displayed on the dashboard of the vehicle or otherwise displayed in the windshield of the vehicle.
Prohibition	9.—(1) No person shall park a vehicle in a designated parking space unless a valid permit is displayed in accordance with section 8.
Idem	(2) No person, other than a physically handicapped person, shall acquire or use a permit issued under section 7.
Offences	10.—(1) Every person who contravenes subsection 3 of section 7 or section 9 is guilty of an offence and on conviction is liable to a fine of not less than \$25 and not more than \$200.
Idem	(2) Every owner and every operator of a parking lot who contravenes subsection 2 or 3 of section 4 or a regulation made under this Act is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$10,000.
Enforcement	(3) Sections 4 and 9 and the regulations made under this Act may be enforced by the council of a municipality in the same manner and with the same remedies as if they were by-laws passed by the council under <i>The Municipal Act</i> .
Owner liable	(4) For the purposes of subsection 1, the owner of the vehicle, whether or not he was the driver at the time the offence was committed, may be charged with and convicted of the offence unless at the time of the offence the vehicle was in the possession of some other person without the owner's consent.
Removal and storage of vehicle R.S.O. 1970, c. 202	(5) Subsection 13 of section 116 of <i>The Highway Traffic Act</i> applies with necessary modifications to a vehicle parked in contravention of subsection 1 of section 9.
Identifying markers	11. The Minister of Transportation and Communications may authorize the use of, and issue, identifying markers for vehicles owned by physically handicapped persons or used for conveying physically handicapped persons, and any such marker shall be deemed to be a permit issued under this Act.

12.—(1) For the purposes of designated parking spaces Regulations required under subsections 2 and 3 of section 4, the Lieutenant Governor in Council may, by regulation,

- (a) prescribe the location of designated parking spaces;
- (b) require the construction of ramps and related facilities to permit physically handicapped persons to move safely and freely from designated parking spaces to the pedestrian access points of parking lots and parking facilities.

(2) A regulation made under subsection 1 may be general or Idem particular in its application.

13. A sign prescribed pursuant to a by-law passed under paragraph 131a of subsection 1 of section 354 of *The Municipal Act* may continue to be used by the owner or operator of a parking lot or other parking facility until the 1st day of January, 1985, and every such sign shall be deemed to comply with this Act until that date. Transition R.S.O. 1970, c. 284

14.—(1) Clause a of paragraph 107b of subsection 1 of section 354 of *The Municipal Act*, as enacted by the Statutes of Ontario, 1978, chapter 101, section 4, is repealed and the following substituted therefor: R.S.O. 1970, c. 284, s. 354 (1), par. 107b (a), re-enacted

- (a) A by-law passed under this paragraph may regulate or prohibit the parking, standing or stopping of motor vehicles in respect of which a permit has been issued under *The Parking Facilities for the Handicapped Act, 1980* and the provisions authorized by this clause may be different from and in conflict with the provisions of any other by-law of the municipality for prohibiting or regulating the parking, standing or stopping of motor vehicles on a highway or part thereof under the jurisdiction of the council. 1980, c. ...

(2) Paragraph 131a of subsection 1 of section 354 of the said Act, as enacted by the Statutes of Ontario, 1978, chapter 101, section 4, is amended by striking out “a by-law passed by the council under paragraph 107b and for prohibiting the use of such spaces by other vehicles” in the sixth, seventh and eighth lines and inserting in lieu thereof “*The Parking Facilities for the Handicapped Act, 1980*”. s. 354 (1), par. 131a, amended

15.—(1) This Act, except subsections 2 and 3 of section 4 and subsection 2 of section 10, comes into force on the day it receives Royal Assent. Commencement

Idem (2) Subsections 2 and 3 of section 4 and subsection 2 of section 10 come into force on the 1st day of March, 1981.

Short title **16.** The short title of this Act is *The Parking Facilities for the Handicapped Act, 1980*.

SCHEDULE

DESIGNATED PARKING SPACE SIGN

1. Description

The sign is composed of two elements—the wheelchair figure and either a square background or square border. The correct colour for the sign is a dark blue or black. This blue or black should be the background colour for a white wheelchair figure when used without a border, or as the colour for the border and wheelchair figure on a white background. It is recommended that the sign be at least forty centimetres square.

2. Illustration



Form 1

APPLICATION FOR PERMIT

Application to the clerk of The Corporation of the
City, Town, etc.

of
Name of Municipality

Name of Physically Handicapped Person

Address
Street and Number or Lot, Concession and Township

Post office Postal Code
City, Town, Village, etc. R.R. No.

Nature of Handicap Permanent Temporary (circle one)

I hereby apply for a permit under subsection 1 of section 7 of *The Parking Facilities for the Handicapped Act, 1980* for the physically handicapped person named above.

Date of application
Signature of Applicant

(Note, where the named applicant is unable to sign this application it may be signed by another person on his or her behalf.)

Form 2

PERMIT



Permit issued under *The Parking Facilities for the Handicapped Act, 1980*

Permit issued to:
(name of physically handicapped person)

Name of issuing municipality

Date of issue

Nature of handicap

(Enter *permanent* or *temporary* in this space)

This permit must be displayed on the dashboard or in the windshield of the vehicle when using a designated parking space.

Form 3

MEDICAL CERTIFICATE

Name of Qualified Medical Practitioner

Office Address

Name of Physically Handicapped Person

I have examined the above-named person and I am of the opinion that the person is a permanently/temporarily (circle appropriate word) physically handicapped person within the meaning of *The Parking Facilities for the Handicapped Act, 1980*, for the following reason(s):

(Briefly set out the nature of the physical handicap)

Date of Certificate

Signature of Qualified
Medical Practitioner

(Note: *The Parking Facilities for the Handicapped Act, 1980* defines a physically handicapped person as follows:

1. In this Act,

(c) "physically handicapped person" means a person who is permanently or temporarily,

(i) confined to a wheelchair,

(ii) required to use crutches, braces or other devices that seriously restrict the mobility of the person, or

(iii) for medical reasons, not referred to in subclause i or ii, seriously restricted in his or her mobility.)

BILL 130

An Act to provide
Parking Facilities for Physically
Handicapped Persons

1st Reading

June 17th, 1980

2nd Reading

3rd Reading

MR. KENNEDY

(Private Member's Bill)

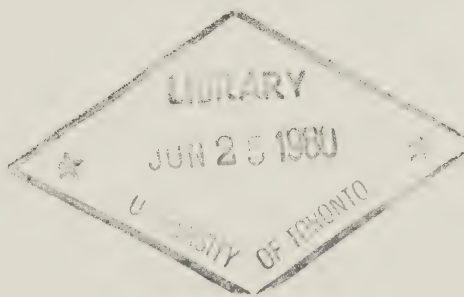
BILL 131

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Judicature Act

MR. BREAGH



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide for full access by news reporters to court records.

Subsection 4 of section 126 of the Act as it now reads is as follows:

- (4) *A person affected by any record in any court, whether it concerns the Queen or other person, is entitled, upon payment of the proper fee, to search and examine it and to have an exemplification or a certified copy thereof made and delivered to him by the proper officer.*

BILL 131

1980

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 126 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 126 (4),
re-enacted

(4) A person affected by any record in any court and a person requesting access to any record in the course of the person's employment as a news reporter, whether or not the record concerns the Queen or other person, is entitled, upon payment of the proper fee, to search and examine the record and to have an exemplification or a certified copy thereof made and delivered to him by the proper officer. Persons
entitled to
search and
to copies
of records
of courts

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Judicature Amendment Act, 1980*. Short title

BILL 131

An Act to amend
The Judicature Act

1st Reading

June 17th, 1980

2nd Reading

3rd Reading

MR. BREAUGH

(Private Member's Bill)

77 BILL 132

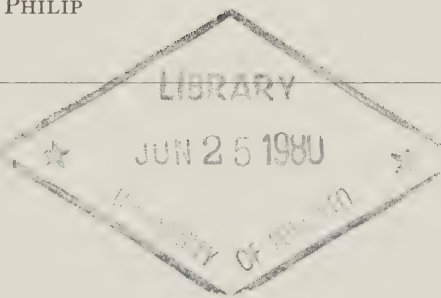
Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Residential Tenancies Act, 1979

MR. PHILIP



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to amend the exemption provision in Part XI (Rent Review) of the Act in order to eliminate the exemption for buildings occupied after the 1st day of January, 1976.

BILL 132

1980

**An Act to amend
The Residential Tenancies Act, 1979**

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts as
follows:

1. Clause *c* of subsection 1 of section 134 of *The Residential Tenancies Act, 1979*, being chapter 78, is repealed. s. 134 (1) (c),
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Residential Tenancies Amendment Act, 1980*. Short title

An Act to amend
The Residential Tenancies Act, 1979

1st Reading

June 17th, 1980

2nd Reading

3rd Reading

MR. PHILIP

(Private Member's Bill)

2
19 BILL 133

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 *Legislative Assembly of Ontario*

An Act to amend The Residential Tenancies Act, 1979

Ms BRYDEN

TORONTO

PRINTED BY J. C. HATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to amend the exemption provision in Part XI (Rent Review) of the Act in order to eliminate the exemption for buildings operated or administered but not owned by the government of Canada or Ontario or an agency thereof.

BILL 133

1980

**An Act to amend
The Residential Tenancies Act, 1979**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Clause *a* of subsection 1 of section 134 of *The Residential Tenancies Act, 1979*, being chapter 78, is repealed and the following substituted therefor: s. 134 (1) (a),
re-enacted

(a) a rental unit situate in a residential complex owned by the government of Canada or Ontario or a municipality, including a regional, district or metropolitan municipality, or any agency thereof.

- 2.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 3.** The short title of this Act is *The Residential Tenancies Amendment Act, 1980*. Short title

BILL 133

An Act to amend
The Residential Tenancies Act, 1979

1st Reading

June 17th, 1980

2nd Reading

3rd Reading

MS BRYDEN

(Private Member's Bill)

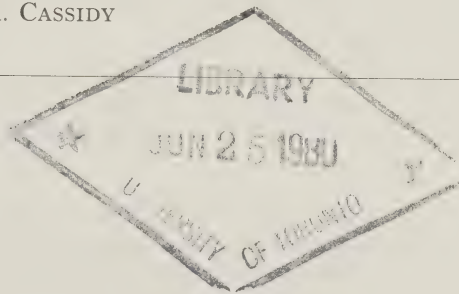
BILL 134

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Regional Municipality of
Ottawa-Carleton Act

MR. CASSIDY



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to amend the ward boundaries for election of public school trustees to the Ottawa Board of Education, as requested by the Board on March 26th, 1980.

BILL 134

1980

An Act to amend The Regional Municipality of Ottawa-Carleton Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 119 of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 67, section 1, is repealed and the following substituted therefor:

s. 119 (3),
re-enacted

(3) Twelve members of the Ottawa Board shall be elected by the public school electors of the school division as follows,

Election of
members by
public school
electors

- (a) three members by a general vote of the public school electors in the North Ward, being the Dalhousie, Elmdale, Queensboro and Wellington wards of the City of Ottawa;
- (b) three members by a general vote of the public school electors in the South Ward, being the Alta Vista, Billings, Canterbury and Riverside wards of the City of Ottawa;
- (c) three members by a general vote of the public school electors in the East Ward, being the Village of Rockcliffe Park, the City of Vanier and the By-Rideau, Capital, Overbrook-Forbes and St. Georges wards of the City of Ottawa; and
- (d) three members by a general vote of the public school electors in the West Ward, being the Britannia, Carleton and Richmond wards of the City of Ottawa.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is *The Regional Municipality of Ottawa-Carleton Amendment Act, 1980*.

Short title

BILL 134

An Act to amend
The Regional Municipality of
Ottawa-Carleton Act

1st Reading

June 17th, 1980

2nd Reading

3rd Reading

MR. CASSIDY

(Private Member's Bill)

BILL 135

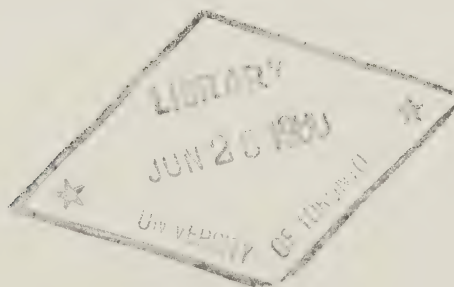
Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980

Legislative

An Act to amend The Residential Tenancies Act, 1979

MR. PHILIP



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide authority to the Residential Tenancy Commission to order a reduction in the rent charged by a landlord where the landlord's financing costs are reduced as a result of lower interest rates.

BILL 135

1980

An Act to amend The Residential Tenancies Act, 1979

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 131 of *The Residential Tenancies Act, 1979*, being chapter 78, is amended by adding thereto the following subsection: s. 131,
amended

(2a) Where the Commission determines that all or part of a rent increase is justified by increased financing costs caused by an increase in the prime interest rate, the Commission shall, on its own motion, review the rent increase and financing costs on an annual basis and where the Commission determines in a subsequent year that the financing costs have been reduced as a result of a reduction in the prime interest rate, the Commission shall order a reduction of the rent by an amount that is attributable to the reduced financing costs. Reduction
of financing
costs

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Residential Tenancies Amendment Act, 1980*. Short title

An Act to amend
The Residential Tenancies Act, 1979

1st Reading

June 17th, 1980

2nd Reading

3rd Reading

MR. PHILIP

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Land Titles Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The new provisions are intended to modify and clarify the law in respect of the creation of easements that are to affect or benefit condominium properties. The intent is to give certainty to the status of easements in phased condominium developments where, for example, at the time of registration of his first condominium, the declarant owns other land intended for later development.

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 4 and amended by the Statutes of Ontario, 1979, chapter 93, section 3, is further amended by adding thereto the following subsection:

s. 5,
amended

(4) A land registrar may appoint one or more assistant deputy land registrars who may exercise such of the powers and perform such of the duties of the land registrar in respect of his land titles division as are specified in writing by the land registrar.

Assistant
deputy
land
registrars

2. The said Act is amended by adding thereto the following section:

s. 43a,
enacted

43a.—(1) Where the first registered description of an easement is that contained in a condominium declaration and description, and the easement is expressly intended,

Easement
created
by
condominium
declaration

(a) to be an easement through the common elements and to benefit other land owned by the declarant; or

(b) to be an easement through other land owned by the declarant and to benefit the condominium property,

the easement is created for all purposes to the same extent as if it had been created by a transfer and the declarant had not been the same person as the owner of the other land.

(2) Where, in a transfer that is registered before the registration of a transfer of any unit made by the declarant, an easement through land outside the condominium property is transferred by the declarant to the condominium corporation to be part of the common elements, the easement does not merge by operation of law.

Easement
to benefit
condominium
property

Easement
affecting
common
elements

(3) Where, in a transfer that is registered before the registration of a transfer of any unit made by the declarant, the common elements are made subject to an easement intended to benefit other land owned by the declarant, the easement is created for all purposes as if the declarant had not been the same person as the owner of the other land.

Easement
becomes part
of common
elements
1978, c. 84

(4) Where, in an instrument, an intention is expressed by a condominium corporation that an easement transferred to the corporation is to be part of the common elements, and any instrument in relation thereto required by *The Condominium Act, 1978* has been registered, the easement, upon registration of the instrument in which the intention is expressed, becomes part of the common elements.

Where
R.S.O. 1970,
c. 349, s. 29,
does not
apply

(5) Section 29 of *The Planning Act* does not apply to an easement to which subsection 1 of this section applies, if the condominium description was approved or exempted under subsection 2 of section 50 of *The Condominium Act, 1978*, or a predecessor thereof.

Retroactive
effect

(6) Except to the extent that rights governed by this section have been determined by a court, this section has retroactive application.

Interpre-
tation

(7) In this section,

(a) "common elements" means common elements;

(b) "declarant" means declarant;

(c) "declaration" means declaration;

(d) "description" means description;

(e) "property" means property; and

(f) "unit" means unit,

as defined in *The Condominium Act, 1978*.

s. 46,
repealed

3. Section 46 of the said Act is repealed.

s. 47,
repealed

4. Section 47 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is repealed.

s. 51 (6),
amended

5. Subsection 6 of section 51 of the said Act is amended by striking out "or of a charge" in the second line and by striking out "or charge" in the fifth line.

SECTION 3. Section 51 of the Act sets out rights and interests to which a title may be subject on first registration. Section 46 of the Act allows an applicant to state that he desires his title to be free from certain particulars. The section is inconsistent with sections 91 to 94 of the Act.

SECTION 4. Section 47 of the Act sets out a special procedure to be followed where the title is to be free from any public highway and is similar to section 46 of the Act which is being repealed by section 3 of the Bill.

SECTION 5. The provision amended provides that the title of a registered land owner or charge holder is subject to a writ of execution that has been entered in the title register. The reference to the charge is being removed as it has no application in current practice.

SECTION 6. The amendment deletes a reference to a section of the Act that was repealed in 1979.

SECTIONS 7, 8, 9, 10 AND 11. Sections 99, 100, 101 and 102 of the Act currently provide that certain covenants are implied in respect of a charge registered against land unless entries are made on the register negating the implication. Section 114 has a similar provision in respect of leasehold land.

Where parties have expressly agreed to terms differing from the statutory terms and these terms are not noted in the register, the statutory terms prevail notwithstanding the express agreement.

The effect of the amendments is to provide that the absence of a notation on the register does not negate an express provision in a registered document.

SECTION 12. The amendment is of a housekeeping nature to correct a technical reference. Owners of a charge hold on joint account and not as joint tenants.

SECTION 13. The provision being repealed refers to the registration of a consent under the *Estate Tax Act* (Canada). This provision is now obsolete.

6. Subsection 1 of section 58 of the said Act is amended by striking out “but this section is not binding upon a judge in respect of any order made by him under section 162” in the sixth, seventh and eighth lines. s. 58 (1),
amended
7. Subsection 1 of section 99 of the said Act is amended by striking out “unless there is an entry on the register negating the implication” in the fourth and fifth lines and inserting in lieu thereof “subject to any express provision in the instrument that created the charge or in any other registered instrument relating thereto”. s. 99 (1),
amended
8. Section 100 of the said Act is amended by striking out “unless there is an entry on the register negating the implication” in the fourth and fifth lines and inserting in lieu thereof “subject to any express provision in the instrument that created the charge or in any other registered instrument relating thereto”. s. 100,
amended
9. Section 101 of the said Act is amended by striking out “Subject to an entry to the contrary on the register” in the first line and inserting in lieu thereof “Subject to any express provision in the instrument that created the charge or in any other registered instrument relating thereto”. s. 101,
amended
10. Section 102 of the said Act is amended by striking out “Subject to an entry to the contrary on the register” in the first line and inserting in lieu thereof “Subject to any express provision in the instrument that created the charge or in any other registered instrument relating thereto”. s. 102,
amended
11. Section 114 of the said Act is amended by striking out “unless there is an entry on the register negating such implication” in the first and second lines and inserting in lieu thereof “subject to any express provision in the transfer or in any other registered instrument relating thereto”. s. 114,
amended
12. Section 137 of the said Act is repealed and the following substituted therefor: s. 137,
re-enacted

137. Where one of two or more persons who are registered as the owners of land as joint tenants or as the owners of a charge on a joint account with right of survivorship has died and it appears from the parcel registered that the interest of the deceased owner has passed by right of survivorship to the surviving owner or owners, the land registrar may, upon receipt of an application in the prescribed form, delete the name of the deceased owner from the parcel register.

Removal of
name of
deceased
joint
tenant
13. Section 141 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 27, is repealed. s. 141,
repealed

- s. 153 (1),
re-enacted
- 14.—**(1) Subsection 1 of section 153 of the said Act is repealed and the following substituted therefor:
- Notice of
executions
- (1) A sheriff to whom a writ of execution or renewal thereof is directed shall, upon receiving from or on behalf of the judgment creditor, the prescribed fee and instructions to so do, forthwith deliver to the land registrar of each land titles division wholly or partially within the sheriff's territorial jurisdiction a copy of the writ or renewal, and no registered land is bound by any writ of execution until a copy delivered by the sheriff has been received and recorded by the land registrar.
- s. 153 (8),
repealed
- (2) Subsection 8 of the said section 153 is repealed.
- s. 153 (10),
re-enacted
- (3) Subsection 10 of the said section 153 is repealed and the following substituted therefor:
- Liens for
bail or
legal aid
R.S.O. 1970,
cc. 37, 239
- (10) Notwithstanding subsection 2 of section 3 of *The Bail Act* and subsection 4 of section 18 of *The Legal Aid Act*, copies of certificates of liens under either Act may be recorded in the same index or book in which writs are recorded under subsection 2 of this section.
- s. 161 (10),
re-enacted
- 15.** Subsection 10 of section 161 of the said Act is repealed and the following substituted therefor:
- Correction
of plan
- (10) An error, defect or omission in a registered or deposited plan may be corrected in accordance with the regulations.
- s. 168,
amended
- 16.** Section 168 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 31, is further amended by adding thereto the following subsection:
- Claim
under
1978, c. 2
- (3) Land dedicated by its owner for a street or public highway is not subject to any claim under Part III of *The Family Law Reform Act, 1978* by the spouse of the person by whom it was dedicated.
- Commence-
ment
- 17.—**(1) This Act, except section 13, comes into force on a day to be named by proclamation of the Lieutenant Governor.
- Idem
- (2) Section 13 shall be deemed to have come into force on the 1st day of July, 1980.
- Short title
- 18.** The short title of this Act is *The Land Titles Amendment Act, 1980*.

SECTION 14.—Subsection 1. The provision currently provides that when a sheriff is so directed, he shall forward writs of execution to the land registrars. The provision, as recast, is reworded to clarify the intent. A substantive change is to provide that the execution does not bind land until it is recorded by the land registrar. Currently, it binds land when it is received by the land registrar.

Subsection 2. The provision being repealed provides for the fee to be paid to a sheriff for transmitting a writ of execution to a land registrar. This will be dealt with by regulation under *The Judicature Act*. There are fee tariffs currently established under that Act.

Subsection 3. The provision currently provides that liens under *The Bail Act* may be recorded in the same manner as writs of execution. The new provision extends this to include liens under *The Legal Aid Act*.

SECTION 15. The provision now sets out the procedure to be followed when correcting errors, etcetera, in a registered or deposited plan. The new provision provides that the procedure may be set out in the regulations.

SECTION 16. Self-explanatory.

BILL 136

An Act to amend The Land Titles Act

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980
2/Reg. Sec. - H. 100

An Act to amend The Land Titles Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The new provisions are intended to modify and clarify the law in respect of the creation of easements that are to affect or benefit condominium properties. The intent is to give certainty to the status of easements in phased condominium developments where, for example, at the time of registration of his first condominium, the declarant owns other land intended for later development.

BILL 136

1980

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 4 and amended by the Statutes of Ontario, 1979, chapter 93, section 3, is further amended by adding thereto the following subsections:

s. 5,
amended

(4) A land registrar may appoint one or more assistant deputy land registrars who may exercise such of the powers and perform such of the duties of the land registrar in respect of his land titles division as are specified in writing by the land registrar.

Assistant
deputy
land
registrars

(5) A deputy land registrar appointed under *The Public Service Act* shall act under the direction of the land registrar and when so acting may exercise the powers and perform the duties of a land registrar.

Powers and
duties of
deputy land
registrars
R.S.O. 1970,
c. 386

2. The said Act is amended by adding thereto the following section: s. 43a,
enacted

43a.—(1) Where the first registered description of an easement is that contained in a condominium declaration and description, and the easement is expressly intended,

Easement
created
by
condominium
declaration

- (a) to be an easement through the common elements and to benefit other land owned by the declarant; or
- (b) to be an easement through other land owned by the declarant and to benefit the condominium property,

the easement is created for all purposes to the same extent as if it had been created by a transfer and the declarant had not been the same person as the owner of the other land.

Easement
to benefit
condominium
property

(2) Where, in a transfer that is registered before the registration of a transfer of any unit made by the declarant, an easement through land outside the condominium property is transferred by the declarant to the condominium corporation to be part of the common elements, the easement does not merge by operation of law.

Easement
affecting
common
elements

(3) Where, in a transfer that is registered before the registration of a transfer of any unit made by the declarant, the common elements are made subject to an easement expressly intended to benefit other land owned by the declarant, the easement is created for all purposes as if the declarant had not been the same person as the owner of the other land.

Easement
becomes part
of common
elements
1978, c. 84

(4) Where, in an instrument, an intention is expressed by a condominium corporation that an easement transferred to the corporation is to be part of the common elements, and any instrument in relation thereto required by *The Condominium Act, 1978* has been registered, the easement, upon registration of the instrument in which the intention is expressed, becomes part of the common elements.

Where
R.S.O. 1970,
c. 349, s. 29,
does not
apply

(5) Section 29 of *The Planning Act* does not apply to an easement to which subsection 1 of this section applies, if the condominium description was approved or exempted under subsection 2 of section 50 of *The Condominium Act, 1978*, or a predecessor thereof.

Retroactive
effect

(6) Except to the extent that rights governed by this section have been determined by a court, this section has retroactive application.

Interpre-
tation

(7) In this section,

(a) "common elements" means common elements;

(b) "declarant" means declarant;

(c) "declaration" means declaration;

(d) "description" means description;

(e) "property" means property; and

(f) "unit" means unit,

as defined in *The Condominium Act, 1978*.

s. 46,
repealed

3. Section 46 of the said Act is repealed.

SECTION 3. Section 51 of the Act sets out rights and interests to which a title may be subject on first registration. Section 46 of the Act allows an applicant to state that he desires his title to be free from certain particulars. The section is inconsistent with sections 91 to 94 of the Act.

SECTION 4. Section 47 of the Act sets out a special procedure to be followed where the title is to be free from any public highway and is similar to section 46 of the Act which is being repealed by section 3 of the Bill.

SECTION 5. The provision amended provides that the title of a registered land owner or charge holder is subject to a writ of execution that has been entered in the title register. The reference to the charge is being removed as it has no application in current practice.

SECTION 6. The amendment deletes a reference to a section of the Act that was repealed in 1979.

SECTIONS 7, 8, 9, 10 AND 11. Sections 99, 100, 101 and 102 of the Act currently provide that certain covenants are implied in respect of a charge registered against land unless entries are made on the register negating the implication. Section 114 has a similar provision in respect of leasehold land.

Where parties have expressly agreed to terms differing from the statutory terms and these terms are not noted in the register, the statutory terms prevail notwithstanding the express agreement.

The effect of the amendments is to provide that the absence of a notation on the register does not negate an express provision in a registered document.

SECTION 12. The amendment is of a housekeeping nature to correct a technical reference. Owners of a charge hold on joint account and not as joint tenants.

4. Section 47 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is repealed. s. 47,
repealed
5. Subsection 6 of section 51 of the said Act is amended by striking out “or of a charge” in the second line and by striking out “or charge” in the fifth line. s. 51 (6),
amended
6. Subsection 1 of section 58 of the said Act is amended by striking out “but this section is not binding upon a judge in respect of any order made by him under section 162” in the sixth, seventh and eighth lines. s. 58 (1),
amended
7. Subsection 1 of section 99 of the said Act is amended by striking out “unless there is an entry on the register negating the implication” in the fourth and fifth lines and inserting in lieu thereof “subject to any express provision in the instrument that created the charge or in any other registered instrument relating thereto”. s. 99 (1),
amended
8. Section 100 of the said Act is amended by striking out “unless there is an entry on the register negating the implication” in the fourth and fifth lines and inserting in lieu thereof “subject to any express provision in the instrument that created the charge or in any other registered instrument relating thereto”. s. 100,
amended
9. Section 101 of the said Act is amended by striking out “Subject to an entry to the contrary on the register” in the first line and inserting in lieu thereof “Subject to any express provision in the instrument that created the charge or in any other registered instrument relating thereto”. s. 101,
amended
10. Section 102 of the said Act is amended by striking out “Subject to an entry to the contrary on the register” in the first line and inserting in lieu thereof “Subject to any express provision in the instrument that created the charge or in any other registered instrument relating thereto”. s. 102,
amended
11. Section 114 of the said Act is amended by striking out “unless there is an entry on the register negating such implication” in the first and second lines and inserting in lieu thereof “subject to any express provision in the transfer or in any other registered instrument relating thereto”. s. 114,
amended
12. Section 137 of the said Act is repealed and the following substituted therefor: s. 137,
re-enacted

137. Where one of two or more persons who are registered as the owners of land as joint tenants or as the owners of a charge on a joint account with right of survivorship has died and it appears from the parcel register that the interest of the deceased owner

Removal of
name of
deceased
joint
tenant

has passed by right of survivorship to the surviving owner or owners, the land registrar may, upon receipt of an application in the prescribed form, delete the name of the deceased owner from the parcel register.

s. 141,
repealed

13. Section 141 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 27, is repealed.

s. 153 (1),
re-enacted

14.—(1) Subsection 1 of section 153 of the said Act is repealed and the following substituted therefor:

Notice of
executions

(1) A sheriff to whom a writ of execution or renewal thereof is directed shall, upon receiving from or on behalf of the judgment creditor, the prescribed fee and instructions to so do, forthwith deliver to the land registrar of each land titles division wholly or partially within the sheriff's territorial jurisdiction a copy of the writ or renewal, and no registered land is bound by any writ of execution until a copy delivered by the sheriff has been received and recorded by the land registrar.

s. 153 (8),
repealed

(2) Subsection 8 of the said section 153 is repealed.

s. 153 (10),
re-enacted

(3) Subsection 10 of the said section 153 is repealed and the following substituted therefor:

Liens for
bail or
legal aid
R.S.O. 1970,
cc. 37, 239

(10) Notwithstanding subsection 2 of section 3 of *The Bail Act* and subsection 4 of section 18 of *The Legal Aid Act*, copies of certificates of liens under either Act may be recorded in the same index or book in which writs are recorded under subsection 2 of this section.

s. 161 (10),
re-enacted

15. Subsection 10 of section 161 of the said Act is repealed and the following substituted therefor:

Correction
of plan

(10) An error, defect or omission in a registered or deposited plan may be corrected in accordance with the regulations.

s. 168,
amended

16. Section 168 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 31, is further amended by adding thereto the following subsection:

Claim
under
1978, c. 2

(3) Land dedicated by its owner for a street or public highway is not subject to any claim under Part III of *The Family Law Reform Act, 1978* by the spouse of the person by whom it was dedicated.

Commence-
ment

17.—(1) This Act, except section 13, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 13 shall be deemed to have come into force on the 1st day of July, 1980.

Short title

18. The short title of this Act is *The Land Titles Amendment Act, 1980*.

SECTION 13. The provision being repealed refers to the registration of a consent under the *Estate Tax Act* (Canada). This provision is now obsolete.

SECTION 14.—Subsection 1. The provision currently provides that when a sheriff is so directed, he shall forward writs of execution to the land registrars. The provision, as recast, is reworded to clarify the intent. A substantive change is to provide that the execution does not bind land until it is recorded by the land registrar. Currently, it binds land when it is received by the land registrar.

Subsection 2. The provision being repealed provides for the fee to be paid to a sheriff for transmitting a writ of execution to a land registrar. This will be dealt with by regulation under *The Judicature Act*. There are fee tariffs currently established under that Act.

Subsection 3. The provision currently provides that liens under *The Bail Act* may be recorded in the same manner as writs of execution. The new provision extends this to include liens under *The Legal Aid Act*.

SECTION 15. The provision now sets out the procedure to be followed when correcting errors, etcetera, in a registered or deposited plan. The new provision provides that the procedure may be set out in the regulations.

SECTION 16. Self-explanatory.

BILL 136

An Act to amend The Land Titles Act

1st Reading

June 19th, 1980

2nd Reading

October 7th, 1980

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 136

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Land Titles Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 136

1980

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 132, section 4 and amended by the Statutes of Ontario, 1979, chapter 93, section 3, is further amended by adding thereto the following subsections:

(4) A land registrar may appoint one or more assistant deputy land registrars who may exercise such of the powers and perform such of the duties of the land registrar in respect of his land titles division as are specified in writing by the land registrar.

s. 5,
amended

Assistant
deputy
land
registrars

(5) A deputy land registrar appointed under *The Public Service Act* shall act under the direction of the land registrar and when so acting may exercise the powers and perform the duties of a land registrar.

Powers and
duties of
deputy land
registrars
R.S.O. 1970,
c. 386

2. The said Act is amended by adding thereto the following section:

43a.—(1) Where the first registered description of an easement is that contained in a condominium declaration and description, and the easement is expressly intended,

s. 43a,
enacted

Easement
created
by
condominium
declaration

(a) to be an easement through the common elements and to benefit other land owned by the declarant; or

(b) to be an easement through other land owned by the declarant and to benefit the condominium property,

the easement is created for all purposes to the same extent as if it had been created by a transfer and the declarant had not been the same person as the owner of the other land.

Easement
to benefit
condominium
property

(2) Where, in a transfer that is registered before the registration of a transfer of any unit made by the declarant, an easement through land outside the condominium property is transferred by the declarant to the condominium corporation to be part of the common elements, the easement does not merge by operation of law.

Easement
affecting
common
elements

(3) Where, in a transfer that is registered before the registration of a transfer of any unit made by the declarant, the common elements are made subject to an easement expressly intended to benefit other land owned by the declarant, the easement is created for all purposes as if the declarant had not been the same person as the owner of the other land.

Easement
becomes part
of common
elements
1978, c. 84

(4) Where, in an instrument, an intention is expressed by a condominium corporation that an easement transferred to the corporation is to be part of the common elements, and any instrument in relation thereto required by *The Condominium Act, 1978* has been registered, the easement, upon registration of the instrument in which the intention is expressed, becomes part of the common elements.

Where
R.S.O. 1970,
c. 349, s. 29,
does not
apply

(5) Section 29 of *The Planning Act* does not apply to an easement to which subsection 1 of this section applies, if the condominium description was approved or exempted under subsection 2 of section 50 of *The Condominium Act, 1978*, or a predecessor thereof.

Retroactive
effect

(6) Except to the extent that rights governed by this section have been determined by a court, this section has retroactive application.

Interpre-
tation

(7) In this section,

(a) "common elements" means common elements;

(b) "declarant" means declarant;

(c) "declaration" means declaration;

(d) "description" means description;

(e) "property" means property; and

(f) "unit" means unit,

as defined in *The Condominium Act, 1978*.

s. 46,
repealed

3. Section 46 of the said Act is repealed.

4. Section 47 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is repealed. s. 47,
repealed
5. Subsection 6 of section 51 of the said Act is amended by striking out “or of a charge” in the second line and by striking out “or charge” in the fifth line. s. 51 (6),
amended
6. Subsection 1 of section 58 of the said Act is amended by striking out “but this section is not binding upon a judge in respect of any order made by him under section 162” in the sixth, seventh and eighth lines. s. 58 (1),
amended
7. Subsection 1 of section 99 of the said Act is amended by striking out “unless there is an entry on the register negating the implication” in the fourth and fifth lines and inserting in lieu thereof “subject to any express provision in the instrument that created the charge or in any other registered instrument relating thereto”. s. 99 (1),
amended
8. Section 100 of the said Act is amended by striking out “unless there is an entry on the register negating the implication” in the fourth and fifth lines and inserting in lieu thereof “subject to any express provision in the instrument that created the charge or in any other registered instrument relating thereto”. s. 100,
amended
9. Section 101 of the said Act is amended by striking out “Subject to an entry to the contrary on the register” in the first line and inserting in lieu thereof “Subject to any express provision in the instrument that created the charge or in any other registered instrument relating thereto”. s. 101,
amended
10. Section 102 of the said Act is amended by striking out “Subject to an entry to the contrary on the register” in the first line and inserting in lieu thereof “Subject to any express provision in the instrument that created the charge or in any other registered instrument relating thereto”. s. 102,
amended
11. Section 114 of the said Act is amended by striking out “unless there is an entry on the register negating such implication” in the first and second lines and inserting in lieu thereof “subject to any express provision in the transfer or in any other registered instrument relating thereto”. s. 114,
amended
12. Section 137 of the said Act is repealed and the following substituted therefor: s. 137,
re-enacted

137. Where one of two or more persons who are registered as the owners of land as joint tenants or as the owners of a charge on a joint account with right of survivorship has died and it appears from the parcel register that the interest of the deceased owner

Removal of
name of
deceased
joint
tenant

has passed by right of survivorship to the surviving owner or owners, the land registrar may, upon receipt of an application in the prescribed form, delete the name of the deceased owner from the parcel register.

s. 141,
repealed

- 13.** Section 141 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 27, is repealed.

s. 153 (1),
re-enacted

- 14.—**(1) Subsection 1 of section 153 of the said Act is repealed and the following substituted therefor:

Notice of
executions

(1) A sheriff to whom a writ of execution or renewal thereof is directed shall, upon receiving from or on behalf of the judgment creditor, the prescribed fee and instructions to so do, forthwith deliver to the land registrar of each land titles division wholly or partially within the sheriff's territorial jurisdiction a copy of the writ or renewal, and no registered land is bound by any writ of execution until a copy delivered by the sheriff has been received and recorded by the land registrar.

s. 153 (8),
repealed

- (2) Subsection 8 of the said section 153 is repealed.

s. 153 (10),
re-enacted

- (3) Subsection 10 of the said section 153 is repealed and the following substituted therefor:

Liens for
bail or
legal aid
R.S.O. 1970,
cc. 37, 239

(10) Notwithstanding subsection 2 of section 3 of *The Bail Act* and subsection 4 of section 18 of *The Legal Aid Act*, copies of certificates of liens under either Act may be recorded in the same index or book in which writs are recorded under subsection 2 of this section.

s. 161 (10),
re-enacted

- 15.** Subsection 10 of section 161 of the said Act is repealed and the following substituted therefor:

Correction
of plan

(10) An error, defect or omission in a registered or deposited plan may be corrected in accordance with the regulations.

s. 168,
amended

- 16.** Section 168 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 132, section 31, is further amended by adding thereto the following subsection:

Claim
under
1978, c. 2

(3) Land dedicated by its owner for a street or public highway is not subject to any claim under Part III of *The Family Law Reform Act, 1978* by the spouse of the person by whom it was dedicated.

Commence-
ment

- 17.—**(1) This Act, except section 13, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

- (2) Section 13 shall be deemed to have come into force on the 1st day of July, 1980.

Short title

- 18.** The short title of this Act is *The Land Titles Amendment Act, 1980*.

An Act to amend The Land Titles Act

1st Reading

June 19th, 1980

2nd Reading

October 7th, 1980

3rd Reading

October 14th, 1980

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

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Government
Publication

3
BILL 137

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 *Legislature A*

An Act to amend The Registry Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations



EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The provisions being repealed set out the information that is to be shown in an abstract. The new provision provides that the required information will be set out in the regulations.

SECTION 3. Self-explanatory.

SECTION 4. The new provisions are intended to modify and clarify the law in respect of the creation of easements that are to affect or benefit condominium properties. The intent is to give certainty to the status of easements in phased condominium developments where, for example, at the time of registration of his first condominium, the declarant owns other land intended for later development.

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 133, section 5 and 1979, chapter 94, section 4, is further amended by adding thereto the following subsection:

(4) A land registrar may appoint one or more assistant deputy land registrars who may exercise such of the powers and perform such of the duties of the land registrar in respect of his registry division as are specified in writing by the land registrar.
2. Subsections 1 to 6 of section 15 of the said Act are repealed and the following substituted therefor:

(1) Upon receipt of a request thereof and the prescribed fee, a land registrar shall furnish an abstract in the prescribed form containing such information as is prescribed in respect of any land that is in his registry division.
3. Section 16 of the said Act is amended by adding thereto the following subsection:

(2) Where a land registrar is unable to produce an instrument or book that is copied on microfilm, he shall produce the microfilm copy for inspection.
4. The said Act is amended by adding thereto the following section:

24a.—(1) Where the first registered description of an easement is that contained in a condominium declaration and description, and the easement is expressly intended,

(a) to be an easement through the common elements and to benefit other land owned by the declarant; or

s. 8,
amendedAppointment
of assistant
deputy land
registrarss. 15 (1),
re-enacted;
s. 15 (2-6),
repealed

Abstracts

s. 16,
amendedMicrofilm
copys. 24a,
enactedEasement
created by
condominium
declaration

- (b) to be an easement through other land owned by the declarant and to benefit the condominium property,

the easement is created for all purposes to the same extent as if it had been created by a transfer and the declarant had not been the same person as the owner of the other land.

Easement
to benefit
condominium
property

(2) Where, in a deed that is registered before the registration of a deed of any unit made by the declarant, an easement through land outside the condominium property is transferred by the declarant to the condominium corporation to be part of the common elements, the easement does not merge by operation of law.

Easement
affecting
common
elements

(3) Where, in a deed that is registered before the registration of a deed of any unit made by the declarant, the common elements are made subject to an easement intended to benefit other land owned by the declarant, the easement is created for all purposes as if the declarant had not been the same person as the owner of the other land.

Easement
becomes part
of common
elements
1978, c. 84

(4) Where, in an instrument, an intention is expressed by a condominium corporation that an easement transferred to the corporation is to be part of the common elements, and any instrument in relation thereto required by *The Condominium Act, 1978* has been registered, the easement, upon registration of the instrument in which the intention is expressed, becomes part of the common elements.

Where
R.S.O. 1970,
c. 349, s. 29,
does not
apply

(5) Section 29 of *The Planning Act* does not apply to an easement to which subsection 1 of this section applies, if the condominium description was approved or exempted under subsection 2 of section 50 of *The Condominium Act, 1978*, or a predecessor thereof.

Retroactive
effect

(6) Except to the extent that rights governed by this section have been determined by a court, this section has retroactive application.

Interpre-
tation

(7) In this section,

(a) "common elements" means common elements;

(b) "declarant" means declarant;

(c) "declaration" means declaration;

(d) "description" means description;

(e) "property" means property; and

SECTION 5. The provision being repealed refers to registration of a consent under the *Estate Tax Act* (Canada). This provision is now obsolete.

SECTION 6. The amendment deletes an obsolete reference that should have been deleted in 1966 when the predecessor of the current section 67 was re-enacted.

SECTION 7. Self-explanatory.

SECTION 8. Section 79 (2) of the Act now permits a land registrar to forego the depositing of a reference plan in certain circumstances and accept, instead, a sketch drawn to scale.

The amendment provides that the sketch shall be prepared in accordance with the regulations.

SECTION 9. This is a housekeeping amendment with no substantive change.

SECTION 10. The provision now sets out the procedure to be followed when correcting errors, etcetera, in a registered or deposited plan. The new provision provides that the procedure may be set out in the regulations.

SECTION 11. The power to make regulations is amended to complement the amendments made by sections 8 and 10 of the Bill.

(f) "unit" means unit,

as defined in *The Condominium Act, 1978*.

1978, c. 84

5. Section 51 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 21, is repealed. s. 51,
repealed
6. Subsection 3 of section 69 of the said Act is amended by striking out "Subject to section 67" in the first line. s. 69 (3),
amended
7. Section 78 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 30 and 1979, chapter 94, section 28, is further amended by adding thereto the following subsection:

(9) Land dedicated by its owner for a street or public highway is not subject to any claim under Part III of *The Family Law Reform Act, 1978* by the spouse of the person by whom it was dedicated. Claim under
1978, c. 2
8. Subsection 2 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 32, is amended by striking out "drawn to scale and including the distance from the land described in the instrument to one or more lot angles, attached to the instrument" in the fifth, sixth and seventh lines and inserting in lieu thereof "prepared in accordance with the regulations". s. 79 (2),
amended
9. Subsection 1 of section 81 of the said Act is amended by striking out "lots, blocks or parts" in the second line and inserting in lieu thereof "lots or blocks". s. 81 (1),
amended
10. Section 87 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 34, is repealed and the following substituted therefor:

87. An error, defect or omission in a registered or deposited plan may be corrected in accordance with the regulations. Correction
of plan
11. Subsection 1 of section 102 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 8, section 3 and 1979, chapter 94, section 41, is further amended by adding thereto the following clauses:

(g) governing the correction of errors, defects and omissions in registered and deposited plans;

(h) prescribing the manner in which sketches referred to in subsection 2 of section 79 are to be prepared.

s. 102 (1),
amended

- | | |
|--------------------|--|
| s. 104,
amended | 12. Section 104 of the said Act is amended by striking out "an instrument" in the first line and inserting in lieu thereof "a plan of survey". |
| s. 106,
amended | 13. Section 106 of the said Act is amended by striking out "in duplicate" in the second line and by inserting after "duplicate" in the fifth line "if any". |
| Commence-
ment | 14. —(1) This Act, except section 5, comes into force on a day to be named by proclamation of the Lieutenant Governor. |
| Idem | (2) Section 5 shall be deemed to have come into force on the 1st day of July, 1980. |
| Short title | 15. The short title of this Act is <i>The Registry Amendment Act, 1980</i> . |

SECTION 12. The amendment is to modernize the interpretation of "document".

SECTION 13. The amendment is of a housekeeping nature.

BILL 137

An Act to amend The Registry Act

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

(Government Bill)

77
BILL 137

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Registry Act



THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The provisions being repealed set out the information that is to be shown in an abstract. The new provision provides that the required information will be set out in the regulations.

SECTION 3. Self-explanatory.

SECTION 4. The new provisions are intended to modify and clarify the law in respect of the creation of easements that are to affect or benefit condominium properties. The intent is to give certainty to the status of easements in phased condominium developments where, for example, at the time of registration of his first condominium, the declarant owns other land intended for later development.

BILL 137

1980

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 133, section 5 and 1979, chapter 94, section 4, is further amended by adding thereto the following subsections:

(4) A land registrar may appoint one or more assistant deputy land registrars who may exercise such of the powers and perform such of the duties of the land registrar in respect of his registry division as are specified in writing by the land registrar.

s. 8,
amended

Appointment
of assistant
deputy land
registrars

(5) A deputy land registrar appointed under *The Public Service Act* shall act under the direction of the land registrar and when so acting may exercise the powers and perform the duties of a land registrar.

Powers and
duties of
deputy land
registrars
R.S.O. 1970,
c. 386

2. Subsections 1 to 6 of section 15 of the said Act are repealed and the following substituted therefor:

s. 15 (1),
re-enacted;
s. 15 (2-6),
repealed

(1) Upon receipt of a request thereof and the prescribed fee, a land registrar shall furnish an abstract in the prescribed form containing such information as is prescribed in respect of any land that is in his registry division.

Abstracts

3. Section 16 of the said Act is amended by adding thereto the following subsection:

s. 16,
amended

(2) Where a land registrar is unable to produce an instrument or book that is copied on microfilm, he shall produce the microfilm copy for inspection.

Microfilm
copy

4. The said Act is amended by adding thereto the following section:

s. 24a,
enacted

Easement
created by
condominium
declaration

24a.—(1) Where the first registered description of an easement is that contained in a condominium declaration and description, and the easement is expressly intended,

(a) to be an easement through the common elements and to benefit other land owned by the declarant; or

(b) to be an easement through other land owned by the declarant and to benefit the condominium property,

the easement is created for all purposes to the same extent as if it had been created by a deed and the declarant had not been the same person as the owner of the other land.

Easement
to benefit
condominium
property

(2) Where, in a deed that is registered before the registration of a deed of any unit made by the declarant, an easement through land outside the condominium property is transferred by the declarant to the condominium corporation to be part of the common elements, the easement does not merge by operation of law.

Easement
affecting
common
elements

(3) Where, in a deed that is registered before the registration of a deed of any unit made by the declarant, the common elements are made subject to an easement expressly intended to benefit other land owned by the declarant, the easement is created for all purposes as if the declarant had not been the same person as the owner of the other land.

Easement
becomes part
of common
elements
1978, c. 84

(4) Where, in an instrument, an intention is expressed by a condominium corporation that an easement transferred to the corporation is to be part of the common elements, and any instrument in relation thereto required by *The Condominium Act, 1978* has been registered, the easement, upon registration of the instrument in which the intention is expressed, becomes part of the common elements.

Where
R.S.O. 1970,
c. 349, s. 29,
does not
apply

(5) Section 29 of *The Planning Act* does not apply to an easement to which subsection 1 of this section applies, if the condominium description was approved or exempted under subsection 2 of section 50 of *The Condominium Act, 1978*, or a predecessor thereof.

Retroactive
effect

(6) Except to the extent that rights governed by this section have been determined by a court, this section has retroactive application.

Interpre-
tation

(7) In this section,

(a) “common elements” means common elements;

SECTION 5. The provision being repealed refers to registration of a consent under the *Estate Tax Act* (Canada). This provision is now obsolete.

SECTION 6. The amendment deletes an obsolete reference that should have been deleted in 1966 when the predecessor of the current section 67 was re-enacted.

SECTION 7. Self-explanatory.

SECTION 8. Section 79 (2) of the Act now permits a land registrar to forego the depositing of a reference plan in certain circumstances and accept, instead, a sketch drawn to scale.

The amendment provides that the sketch shall be prepared in accordance with the regulations.

SECTION 9. This is a housekeeping amendment with no substantive change.

SECTION 10. The provision now sets out the procedure to be followed when correcting errors, etcetera, in a registered or deposited plan. The new provision provides that the procedure may be set out in the regulations.

SECTION 11. The power to make regulations is amended to complement the amendments made by sections 8 and 10 of the Bill.

- (b) "declarant" means declarant;
- (c) "declaration" means declaration;
- (d) "description" means description;
- (e) "property" means property; and
- (f) "unit" means unit,

as defined in *The Condominium Act, 1978*.

1978, c. 84

5. Section 51 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 21, is repealed. s. 51,
repealed

6. Subsection 3 of section 69 of the said Act is amended by striking out "Subject to section 67" in the first line. s. 69 (3),
amended

7. Section 78 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 30 and 1979, chapter 94, section 28, is further amended by adding thereto the following subsection: s. 78,
amended

(9) Land dedicated by its owner for a street or public highway is not subject to any claim under Part III of *The Family Law Reform Act, 1978* by the spouse of the person by whom it was dedicated. Claim under
1978, c. 2

8. Subsection 2 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 32, is amended by striking out "drawn to scale and including the distance from the land described in the instrument to one or more lot angles, attached to the instrument" in the fifth, sixth and seventh lines and inserting in lieu thereof "prepared in accordance with the regulations". s. 79 (2),
amended

9. Subsection 1 of section 81 of the said Act is amended by striking out "lots, blocks or parts" in the second line and inserting in lieu thereof "lots or blocks". s. 81 (1),
amended

10. Section 87 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 34, is repealed and the following substituted therefor: s. 87,
re-enacted

87. An error, defect or omission in a registered or deposited plan may be corrected in accordance with the regulations. Correction
of plan

11. Subsection 1 of section 102 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 8, section 3 and 1979, chapter 94, s. 102 (1),
amended

section 41, is further amended by adding thereto the following clauses:

(g) governing the correction of errors, defects and omissions in registered and deposited plans;

(h) prescribing the manner in which sketches referred to in subsection 2 of section 79 are to be prepared.

s. 104,
amended

12. Section 104 of the said Act is amended by striking out "an instrument" in the first line and inserting in lieu thereof "a plan of survey".

s. 106,
amended

13. Section 106 of the said Act is amended by striking out "in duplicate" in the second line and by inserting after "duplicate" in the fifth line "if any".

Commence-
ment

14.—(1) This Act, except section 5, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 5 shall be deemed to have come into force on the 1st day of July, 1980.

Short title

15. The short title of this Act is *The Registry Amendment Act, 1980*.

SECTION 12. The amendment is to modernize the interpretation of "document".

SECTION 13. The amendment is of a housekeeping nature.

An Act to amend The Registry Act

1st Reading

June 19th, 1980

2nd Reading

October 7th, 1980

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

*(Reprinted as amended by the
Committee of the Whole House)*

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17
BILL 137

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980²

Legislative Assembly

An Act to amend The Registry Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. HATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 137

1980

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 133, section 5 and 1979, chapter 94, section 4, is further amended by adding thereto the following subsections:
 - (4) A land registrar may appoint one or more assistant deputy land registrars who may exercise such of the powers and perform such of the duties of the land registrar in respect of his registry division as are specified in writing by the land registrar. s. 8,
amended

Appointment
of assistant
deputy land
registrars
 - (5) A deputy land registrar appointed under *The Public Service Act* shall act under the direction of the land registrar and when so acting may exercise the powers and perform the duties of a land registrar. Powers and
duties of
deputy land
registrars
R.S.O. 1970,
c. 386
2. Subsections 1 to 6 of section 15 of the said Act are repealed and the following substituted therefor: s. 15 (1),
re-enacted;
s. 15 (2-6),
repealed
 - (1) Upon receipt of a request thereof and the prescribed fee, a land registrar shall furnish an abstract in the prescribed form containing such information as is prescribed in respect of any land that is in his registry division. Abstracts
3. Section 16 of the said Act is amended by adding thereto the following subsection: s. 16,
amended
 - (2) Where a land registrar is unable to produce an instrument or book that is copied on microfilm, he shall produce the microfilm copy for inspection. Microfilm
copy
4. The said Act is amended by adding thereto the following section: s. 24a,
enacted

Easement
created by
condominium
declaration

24a.—(1) Where the first registered description of an easement is that contained in a condominium declaration and description, and the easement is expressly intended,

- (a) to be an easement through the common elements and to benefit other land owned by the declarant; or
- (b) to be an easement through other land owned by the declarant and to benefit the condominium property,

the easement is created for all purposes to the same extent as if it had been created by a deed and the declarant had not been the same person as the owner of the other land.

Easement
to benefit
condominium
property

(2) Where, in a deed that is registered before the registration of a deed of any unit made by the declarant, an easement through land outside the condominium property is transferred by the declarant to the condominium corporation to be part of the common elements, the easement does not merge by operation of law.

Easement
affecting
common
elements

(3) Where, in a deed that is registered before the registration of a deed of any unit made by the declarant, the common elements are made subject to an easement expressly intended to benefit other land owned by the declarant, the easement is created for all purposes as if the declarant had not been the same person as the owner of the other land.

Easement
becomes part
of common
elements
1978, c. 84

(4) Where, in an instrument, an intention is expressed by a condominium corporation that an easement transferred to the corporation is to be part of the common elements, and any instrument in relation thereto required by *The Condominium Act, 1978* has been registered, the easement, upon registration of the instrument in which the intention is expressed, becomes part of the common elements.

Where
R.S.O. 1970,
c. 349, s. 29,
does not
apply

(5) Section 29 of *The Planning Act* does not apply to an easement to which subsection 1 of this section applies, if the condominium description was approved or exempted under subsection 2 of section 50 of *The Condominium Act, 1978*, or a predecessor thereof.

Retroactive
effect

(6) Except to the extent that rights governed by this section have been determined by a court, this section has retroactive application.

Interpre-
tation

(7) In this section,

- (a) "common elements" means common elements;

- (b) “declarant” means declarant;
- (c) “declaration” means declaration;
- (d) “description” means description;
- (e) “property” means property; and
- (f) “unit” means unit,

as defined in *The Condominium Act, 1978*.

1978, c. 84

5. Section 51 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 21, is repealed. s. 51,
repealed

6. Subsection 3 of section 69 of the said Act is amended by striking out “Subject to section 67” in the first line. s. 69 (3),
amended

7. Section 78 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 30 and 1979, chapter 94, section 28, is further amended by adding thereto the following subsection: s. 78,
amended

(9) Land dedicated by its owner for a street or public highway is not subject to any claim under Part III of *The Family Law Reform Act, 1978* by the spouse of the person by whom it was dedicated. Claim under
1978, c. 2

8. Subsection 2 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 133, section 32, is amended by striking out “drawn to scale and including the distance from the land described in the instrument to one or more lot angles, attached to the instrument” in the fifth, sixth and seventh lines and inserting in lieu thereof “prepared in accordance with the regulations”. s. 79 (2),
amended

9. Subsection 1 of section 81 of the said Act is amended by striking out “lots, blocks or parts” in the second line and inserting in lieu thereof “lots or blocks”. s. 81 (1),
amended

10. Section 87 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 133, section 34, is repealed and the following substituted therefor: s. 87,
re-enacted

87. An error, defect or omission in a registered or deposited plan may be corrected in accordance with the regulations. Correction
of plan

11. Subsection 1 of section 102 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 8, section 3 and 1979, chapter 94, s. 102 (1),
amended

section 41, is further amended by adding thereto the following clauses:

(g) governing the correction of errors, defects and omissions in registered and deposited plans;

(h) prescribing the manner in which sketches referred to in subsection 2 of section 79 are to be prepared.

s. 104,
amended

12. Section 104 of the said Act is amended by striking out "an instrument" in the first line and inserting in lieu thereof "a plan of survey".

s. 106,
amended

13. Section 106 of the said Act is amended by striking out "in duplicate" in the second line and by inserting after "duplicate" in the fifth line "if any".

Commence-
ment

14.—(1) This Act, except section 5, comes into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(2) Section 5 shall be deemed to have come into force on the 1st day of July, 1980.

Short title

15. The short title of this Act is *The Registry Amendment Act, 1980*.

An Act to amend The Registry Act

1st Reading

June 19th, 1980

2nd Reading

October 7th, 1980

3rd Reading

October 14th, 1980

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

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BILL 138

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4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980 *Legislature House*

An Act to revise The Boundaries Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations



EXPLANATORY NOTE

The Boundaries Act is being revised to change administrative procedures without altering the basic concept for the confirmation of boundaries. The principal changes include the following:

1. Section 3 replaces the present section 4 (1) of the Act. The proposed section 3 (1) simplifies the wording of clauses *a*, *b* and *c* of the present section 4 (1) and clarifies that the purpose of an application under the Act is to confirm the true location on the ground of a boundary where doubt exists as to its true location.
2. Under subsection 2 of section 3, the Crown, a municipality or a local roads board will be able to apply to confirm the location of the boundaries of a public highway whether or not doubt exists as to the location of the boundaries of the highway.
3. The requirement that a copy of a plan of survey and the field notes of the survey be submitted with the application is set out in the legislation.
4. Where a municipality is the applicant, it will be able to levy a special rate of assessment to recover its costs on the parcels included in the application, except where the application is made for the purpose of confirming the boundaries of a public highway. At present, the municipality may only recover its costs in this manner where it has also made an application under section 34 of *The Land Titles Act*.
5. The procedures for giving notice of the application and hearing are revised. At present, notice of the application and hearing is given in the same notice. Under the proposed sections 7 and 8, notice of the application will be given first and if there are any objections filed, or if the Director considers it necessary to hold a hearing, notice of the hearing will then be given.
6. The procedure for confirmation of the location of boundaries on consent is removed from the Act.
7. The Crown is bound by the Act.

BILL 138

1980

An Act to revise The Boundaries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) "Director" means the Director of Titles appointed under *The Land Titles Act*;

R.S.O. 1970,
c. 234

(b) "monument" means any device or object used to mark or witness a boundary;

(c) "parcel" means an area of land described in an instrument by which the title to an interest in land is or was established or an area of land shown on a plan and includes a public highway or any part thereof;

(d) "prescribed" means prescribed by the regulations made under this Act;

(e) "surveyor" means an Ontario land surveyor authorized to practise under *The Surveyors Act*. R.S.O. 1970, c. 48, s. 1, *amended*.

R.S.O. 1970,
c. 452

2. The Minister of Consumer and Commercial Relations is responsible for the administration of this Act. 1972, c. 1, s. 29.

Adminis-
tration

3.—(1) Where doubt exists as to the true location on the ground of any boundary of a parcel, an application, in the prescribed form, may be made to the Director to confirm the true location of the boundary on the ground.

Application
for
confirmation
of
boundaries

(2) The Minister of Transportation and Communications, the council of a municipality or an authority having jurisdiction over a public highway may apply to the Director, in the prescribed form, to confirm the true location of the boundaries on the ground of a public highway under its jurisdiction.

Public
highways

Who may
apply

(3) An application to the Director under subsection '1 may be made by,

- (a) the owner of an interest in the parcel;
- (b) the council of the municipality in which the parcel is situate;
- (c) a Minister of the Crown;
- (d) the Surveyor General of Ontario;
- (e) the Surveyor General of Canada; or
- (f) with the consent of the owner of an interest in the parcel, a surveyor. R.S.O. 1970, c. 48, s. 4, *amended*.

Contents
of
application

4.—(1) An application under section 3 shall be accompanied by,

- (a) a copy of an up-to-date plan of survey, signed by a surveyor indicating the location on the ground of the boundary or boundaries to be confirmed;
- (b) a copy of the field notes of the survey; and
- (c) such other information or material as is prescribed.

Further
materials

(2) The Director may at any time require an applicant to furnish such additional or other information or material as he specifies. *New*.

Where
Director
may
initiate
proceedings

5.—(1) The Director, of his own initiative, may initiate proceedings under this Act and may engage a surveyor to make a survey and plan of the parcel or any boundary thereof. R.S.O. 1970, c. 48, s. 6, *amended*.

Costs

(2) Where the Director initiates proceedings under subsection 1, the costs of and incidental to the proceedings may, on an application to the Director of Land Registration, be paid out of The Land Titles Survey Fund established under subsection 1 of section 63 of *The Land Titles Act*, and subsections 3 to 5 of the said section 63 apply to an application under this subsection. *New*.

R.S.O. 1970,
c. 234

Costs of
municipality

6. Where an application under this Act has been made by or on behalf of the council of a municipality, the costs of and incidental to the application shall be borne by the municipality and, except where the purpose of the application is to confirm the location of the boundaries of a public highway, the costs may be recovered by the levy of a special rate of assessment on all parcels included in the application.

7. The Director shall cause a notice of an application under this Act to be given in such manner and to such persons as he considers proper in the circumstances and the notice shall set out the purpose of the application and the time fixed for delivering objections to the Director and, where a copy of the plan is not included with the notice, the notice shall state the place where a copy of the plan may be inspected. R.S.O. 1970, c. 48, s. 9, *amended*. Notice of application

8.—(1) Any person desiring to object to the location of the boundary or boundaries to be confirmed, as shown on the plan of survey, shall deliver to the Director, by registered mail or by personal service within the time fixed by the notice of application, a written statement setting forth the nature and grounds of the objection. R.S.O. 1970, c. 48, s. 10, *amended*. Objection

(2) Where a written statement of objection is received, the Director shall afford an opportunity for a hearing to determine the validity of the objection. Hearing

(3) Where the time specified in the notice of application has expired and no objection has been received, the Director, if he is satisfied by the application and the material filed in support thereof, may, without convening a hearing, confirm and, when the surveyor has complied with section 14, certify the location of the boundary or boundaries as shown on the plan of survey. Confirmation without hearing

(4) Where the Director is not satisfied by the application and the material filed in support thereof, he may convene a hearing and require any person he considers necessary to appear at the hearing to give evidence. Hearing where Director is not satisfied by application

(5) The applicant, any person who delivers a statement of objection under subsection 1 and such other persons as the Director may specify, are parties to the proceedings for the confirmation of the boundary or boundaries. Parties

(6) The Director shall cause a notice of hearing under this section to be given, in a manner prescribed by the regulations, to the parties and to such other persons as he may specify, setting forth the time, place and purpose of the hearing. *New*. Notice of hearing

9.—(1) Upon the hearing convened under section 8, the Director may dispose of any objection in such manner as he considers just and equitable under the circumstances and may, by order, confirm the location of the boundary or boundaries as shown on the plan of survey, or, if he thinks proper to do so, may order that the survey and plan be amended in such manner as he may direct, in which case he may confirm the location of the boundary or boundaries as shown on the plan as so amended. R.S.O. 1970, c. 48, s. 11 (1), *part*. Hearing and confirmation

Recording of
evidence

(2) The oral evidence taken before the Director at a hearing shall be recorded and, at the request of a party to the hearing, a copy of the recording shall be furnished to the party upon payment of the prescribed fee. *New.*

Monuments

10. The Director may order the removal of any monument that conflicts with any boundary confirmed under this Act. R.S.O. 1970, c. 48, s. 18, *amended.*

Costs

11.—(1) An applicant under this Act is liable *prima facie* to pay all costs, charges and expenses of and incidental to the application. R.S.O. 1970, c. 48, s. 4 (2), *amended.*

Idem

(2) Upon the hearing convened under section 8, the Director may order costs to be paid by or to any person who is a party to a proceeding under this Act. R.S.O. 1970, c. 48, s. 11 (2), *amended.*

Appeal from
Director's
decision to
Divisional
Court

12.—(1) Any party aggrieved by an order of the Director made under subsection 1 of section 9 or under section 11 may appeal to the Divisional Court.

Power
of court

(2) The Divisional Court, on an appeal from an order of the Director, may,

(a) where the appeal is from an order under subsection 1 of section 9, decide the matter on the evidence before it or direct the trial of an issue or may dismiss the appeal or order that the survey and plan be amended and confirm the location of the boundary or boundaries as shown on the amended plan; and

(b) where the appeal is from an order as to costs under section 11, annul or, with or without modification, confirm the order.

Notice of
appeal

(3) Notice of an appeal under this section shall be filed by the appellant with the court and a copy of the notice shall be served upon the Director and the other parties to the proceedings before the Director within thirty days after the date of mailing of the order of the Director to the party appealing. R.S.O. 1970, c. 48, ss. 11 (3), 12; 1971, c. 50, s. 13 (4), *amended.*

Certificate
of
confirmation

13.—(1) When the period of thirty days mentioned in subsection 3 of section 12 has elapsed and no appeal has been taken or after an appeal, if taken, has been disposed of and the surveyor has complied with section 14, the Director shall certify the confirmation of the location of the boundary or boundaries as shown on the plan of survey as confirmed by the Director or the court, as the case may be.

(2) When any boundary has been certified under subsection 3 of section 8 or under subsection 1 of this section, the certificate is conclusive that the application and every notice, proceeding and act that ought to have been made, given or done has been made, given or done in accordance with this Act. R.S.O. 1970, c. 48, s. 13, *amended*. Effect of confirmation

14. Notwithstanding *The Surveys Act*, when the boundary or boundaries shown on the plan have been confirmed and no appeal has been taken or after an appeal, if taken, has been disposed of, the surveyor shall deposit the plan and original field notes of the survey with the Director. R.S.O. 1970, c. 48, s. 7 (3), *amended*. Deposit of plan and field notes
R.S.O. 1970, c. 453

15.—(1) The boundaries confirmed and certified by the Director and defined by the monuments shown on the plan under this Act shall, notwithstanding any other Act, be deemed to be the true boundaries of the parcel. Effect of certificate

(2) Nothing in this Act affects the establishment or re-establishment of lines under *The Surveys Act*, other than the boundaries confirmed and certified under this Act. R.S.O. 1970, c. 48, s. 14, *amended*. Saving

16.—(1) When a boundary as shown on a plan of survey has been confirmed and certified under this Act, the Director shall cause the plan or a copy thereof to be registered in the proper land registry office. Registration of plan

(2) Upon receipt of the plan or a copy for registration, the land registrar shall register it and shall record it in the title register or abstract index for each parcel that adjoins a boundary that has been confirmed. Idem

(3) A plan registered under this section supersedes all corresponding portions of all former registered plans and descriptions. R.S.O. 1970, c. 48, s. 16 (1-3), *amended*. Effect of registration

17. A plan certified under this Act may be registered under *The Land Titles Act* or *The Registry Act*, as the case may be, without any approval under *The Planning Act*. R.S.O. 1970, c. 48, s. 17, *amended*. Right to registration
R.S.O. 1970, cc. 234, 409, 349

18.—(1) Upon the filing of evidence satisfactory to the Director and upon either giving such notice to interested persons as he considers appropriate, or *ex parte*, he may order the correction of any inconsistency, error or omission in a plan that has been certified and registered under this Act or a predecessor thereof. Corrections of errors and omissions

(2) No correction pursuant to this section shall affect the location of a boundary confirmed and certified under this Act or a predecessor thereof. *New*. Proviso

Reduction
of fees

19. Where in the opinion of the Director the fees payable on an application under this Act are unduly excessive, having regard to all the circumstances, the Director may reduce the fees to such amount as he considers appropriate. R.S.O. 1970, c. 48, s. 21.

Application
to Crown

20. This Act binds the Crown. *New.*

Regulations

21. The Lieutenant Governor in Council may make regulations,

- (a) governing standards and procedures for surveys and plans made for the purposes of this Act;
- (b) prescribing the manner of making an application for confirmation of the location of boundaries and the material to be submitted with the application;
- (c) requiring any information in connection with any application, evidence or procedure to be verified by affidavit or declaration;
- (d) requiring the payment of fees and prescribing the amounts thereof;
- (e) prescribing one or more methods by which notice of a hearing under this Act may be given;
- (f) prescribing forms and providing for their use;
- (g) prescribing the manner of making an objection to the location of the boundary or boundaries as shown on the plan of survey and the material to be submitted with the objection;
- (h) prescribing administrative procedures for the purposes of this Act;
- (i) governing the manner of recording oral evidence and the manner of providing copies thereof;
- (j) prescribing the procedures to be followed by land registrars with respect to matters under this Act;
- (k) respecting costs and the taxation thereof; and
- (l) governing the correction of plans under section 18. R.S.O. 1970, c. 48, s. 20, *amended.*

Transition

22.—(1) Notwithstanding section 23, where, prior to the coming into force of this Act, notice of an application has been

given pursuant to subsection 1 of section 9 of *The Boundaries Act*, being chapter 48 of the Revised Statutes of Ontario, 1970, the application shall be continued as if that Act had not been repealed.

(2) Where, prior to the coming into force of this Act, the Director received an application under section 4 of *The Boundaries Act*, being chapter 48 of the Revised Statutes of Ontario, 1970, but no notice of the application has been given under subsection 1 of section 9 of that Act, the application, upon the coming into force of this Act, shall be taken up and continued in conformity with this Act. Idem

23. The following are repealed:

Repeals

1. *The Boundaries Act*, being chapter 48 of the Revised Statutes of Ontario, 1970.
2. Section 13 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
3. Section 29 of *The Government Reorganization Act, 1972*, being chapter 1.

24. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

25. The short title of this Act is *The Boundaries Act, 1980*. Short title

An Act to revise
The Boundaries Act

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

(Government Bill)

11 BILL 138

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980 *Legislative Assembly*

An Act to revise The Boundaries Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 138

1980

An Act to revise The Boundaries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) “Director” means the Director of Titles appointed under *The Land Titles Act*;

R.S.O. 1970,
c. 234

(b) “monument” means any device or object used to mark or witness a boundary;

(c) “parcel” means an area of land described in an instrument by which the title to an interest in land is or was established or an area of land shown on a plan and includes a public highway or any part thereof;

(d) “prescribed” means prescribed by the regulations made under this Act;

(e) “surveyor” means an Ontario land surveyor authorized to practise under *The Surveyors Act*. R.S.O. 1970, c. 48, s. 1, *amended*.

R.S.O. 1970,
c. 452

2. The Minister of Consumer and Commercial Relations is responsible for the administration of this Act. 1972, c. 1, s. 29.

Adminis-
tration

3.—(1) Where doubt exists as to the true location on the ground of any boundary of a parcel, an application, in the prescribed form, may be made to the Director to confirm the true location of the boundary on the ground.

Application
for
confirmation
of
boundaries

(2) The Minister of Transportation and Communications, the council of a municipality or an authority having jurisdiction over a public highway may apply to the Director, in the prescribed form, to confirm the true location of the boundaries on the ground of a public highway under its jurisdiction.

Public
highways

Who may
apply

(3) An application to the Director under subsection 1 may be made by,

- (a) the owner of an interest in the parcel;
- (b) the council of the municipality in which the parcel is situate;
- (c) a Minister of the Crown;
- (d) the Surveyor General of Ontario;
- (e) the Surveyor General of Canada; or
- (f) with the consent of the owner of an interest in the parcel, a surveyor. R.S.O. 1970, c. 48, s. 4, *amended*.

Contents
of
application

4.—(1) An application under section 3 shall be accompanied by,

- (a) a copy of an up-to-date plan of survey, signed by a surveyor indicating the location on the ground of the boundary or boundaries to be confirmed;
- (b) a copy of the field notes of the survey; and
- (c) such other information or material as is prescribed.

Further
materials

(2) The Director may at any time require an applicant to furnish such additional or other information or material as he specifies. *New*.

Where
Director
may
initiate
proceedings

5.—(1) The Director, of his own initiative, may initiate proceedings under this Act and may engage a surveyor to make a survey and plan of the parcel or any boundary thereof. R.S.O. 1970, c. 48, s. 6, *amended*.

Costs

(2) Where the Director initiates proceedings under subsection 1, the costs of and incidental to the proceedings may, on an application to the Director of Land Registration, be paid out of The Land Titles Survey Fund established under subsection 1 of section 63 of *The Land Titles Act*, and subsections 3 to 5 of the said section 63 apply to an application under this subsection. *New*.

R.S.O. 1970,
c. 234

Costs of
municipality

6. Where an application under this Act has been made by or on behalf of the council of a municipality, the costs of and incidental to the application shall be borne by the municipality and, except where the purpose of the application is to confirm the location of the boundaries of a public highway, the costs may be recovered by the levy of a special rate of assessment on all parcels included in the application.

7. The Director shall cause a notice of an application under this Act to be given in such manner and to such persons as he considers proper in the circumstances and the notice shall set out the purpose of the application and the time fixed for delivering objections to the Director and, where a copy of the plan is not included with the notice, the notice shall state the place where a copy of the plan may be inspected. R.S.O. 1970, c. 48, s. 9, *amended*. Notice of application

8.—(1) Any person desiring to object to the location of the boundary or boundaries to be confirmed, as shown on the plan of survey, shall deliver to the Director, by registered mail or by personal service within the time fixed by the notice of application, a written statement setting forth the nature and grounds of the objection. R.S.O. 1970, c. 48, s. 10, *amended*. Objection

(2) Where a written statement of objection is received, the Director shall afford an opportunity for a hearing to determine the validity of the objection. Hearing

(3) Where the time specified in the notice of application has expired and no objection has been received, the Director, if he is satisfied by the application and the material filed in support thereof, may, without convening a hearing, confirm and, when the surveyor has complied with section 14, certify the location of the boundary or boundaries as shown on the plan of survey. Confirmation without hearing

(4) Where the Director is not satisfied by the application and the material filed in support thereof, he may convene a hearing and require any person he considers necessary to appear at the hearing to give evidence. Hearing where Director is not satisfied by application

(5) The applicant, any person who delivers a statement of objection under subsection 1 and such other persons as the Director may specify, are parties to the proceedings for the confirmation of the boundary or boundaries. Parties

(6) The Director shall cause a notice of hearing under this section to be given, in a manner prescribed by the regulations, to the parties and to such other persons as he may specify, setting forth the time, place and purpose of the hearing. *New*. Notice of hearing

9.—(1) Upon the hearing convened under section 8, the Director may dispose of any objection in such manner as he considers just and equitable under the circumstances and may, by order, confirm the location of the boundary or boundaries as shown on the plan of survey, or, if he thinks proper to do so, may order that the survey and plan be amended in such manner as he may direct, in which case he may confirm the location of the boundary or boundaries as shown on the plan as so amended. R.S.O. 1970, c. 48, s. 11 (1), *part*. Hearing and confirmation

Recording of evidence	(2) The oral evidence taken before the Director at a hearing shall be recorded and, at the request of a party to the hearing, a copy of the recording shall be furnished to the party upon payment of the prescribed fee. <i>New.</i>
Monuments	10. The Director may order the removal of any monument that conflicts with any boundary confirmed under this Act. R.S.O. 1970, c. 48, s. 18, <i>amended.</i>
Costs	11.— (1) An applicant under this Act is liable <i>prima facie</i> to pay all costs, charges and expenses of and incidental to the application. R.S.O. 1970, c. 48, s. 4 (2), <i>amended.</i>
Idem	(2) Upon the hearing convened under section 8, the Director may order costs to be paid by or to any person who is a party to a proceeding under this Act. R.S.O. 1970, c. 48, s. 11 (2), <i>amended.</i>
Appeal from Director's decision to Divisional Court	12.— (1) Any party aggrieved by an order of the Director made under subsection 1 of section 9 or under section 11 may appeal to the Divisional Court.
Power of court	(2) The Divisional Court, on an appeal from an order of the Director, may, <ul style="list-style-type: none"> (a) where the appeal is from an order under subsection 1 of section 9, decide the matter on the evidence before it or direct the trial of an issue or may dismiss the appeal or order that the survey and plan be amended and confirm the location of the boundary or boundaries as shown on the amended plan; and (b) where the appeal is from an order as to costs under section 11, annul or, with or without modification, confirm the order.
Notice of appeal	(3) Notice of an appeal under this section shall be filed by the appellant with the court and a copy of the notice shall be served upon the Director and the other parties to the proceedings before the Director within thirty days after the date of mailing of the order of the Director to the party appealing. R.S.O. 1970, c. 48, ss. 11 (3), 12; 1971, c. 50, s. 13 (4), <i>amended.</i>
Certificate of confirmation	13.— (1) When the period of thirty days mentioned in subsection 3 of section 12 has elapsed and no appeal has been taken or after an appeal, if taken, has been disposed of and the surveyor has complied with section 14, the Director shall certify the confirmation of the location of the boundary or boundaries as shown on the plan of survey as confirmed by the Director or the court, as the case may be.

(2) When any boundary has been certified under subsection 3 of section 8 or under subsection 1 of this section, the certificate is conclusive that the application and every notice, proceeding and act that ought to have been made, given or done has been made, given or done in accordance with this Act. R.S.O. 1970, c. 48, s. 13, *amended*. Effect of confirmation

14. Notwithstanding *The Surveys Act*, when the boundary or boundaries shown on the plan have been confirmed and no appeal has been taken or after an appeal, if taken, has been disposed of, the surveyor shall deposit the plan and original field notes of the survey with the Director. R.S.O. 1970, c. 48, s. 7 (3), *amended*. Deposit of plan and field notes
R.S.O. 1970, c. 453

15.—(1) The boundaries confirmed and certified by the Director and defined by the monuments shown on the plan under this Act shall, notwithstanding any other Act, be deemed to be the true boundaries of the parcel. Effect of certificate

(2) Nothing in this Act affects the establishment or re-establishment of lines under *The Surveys Act*, other than the boundaries confirmed and certified under this Act. R.S.O. 1970, c. 48, s. 14, *amended*. Saving

16.—(1) When a boundary as shown on a plan of survey has been confirmed and certified under this Act, the Director shall cause the plan or a copy thereof to be registered in the proper land registry office. Registration of plan

(2) Upon receipt of the plan or a copy for registration, the land registrar shall register it and shall record it in the title register or abstract index for each parcel that adjoins a boundary that has been confirmed. Idem

(3) A plan registered under this section supersedes all corresponding portions of all former registered plans and descriptions. R.S.O. 1970, c. 48, s. 16 (1-3), *amended*. Effect of registration

17. A plan certified under this Act may be registered under *The Land Titles Act* or *The Registry Act*, as the case may be, without any approval under *The Planning Act*. R.S.O. 1970, c. 48, s. 17, *amended*. Right to registration
R.S.O. 1970, cc. 234, 409, 349

18.—(1) Upon the filing of evidence satisfactory to the Director and upon either giving such notice to interested persons as he considers appropriate, or *ex parte*, he may order the correction of any inconsistency, error or omission in a plan that has been certified and registered under this Act or a predecessor thereof. Corrections of errors and omissions

(2) No correction pursuant to this section shall affect the location of a boundary confirmed and certified under this Act or a predecessor thereof. *New*. Proviso

Reduction
of fees

19. Where in the opinion of the Director the fees payable on an application under this Act are unduly excessive, having regard to all the circumstances, the Director may reduce the fees to such amount as he considers appropriate. R.S.O. 1970, c. 48, s. 21.

Application
to Crown

20. This Act binds the Crown. *New.*

Regulations

21. The Lieutenant Governor in Council may make regulations,

- (a) governing standards and procedures for surveys and plans made for the purposes of this Act;
- (b) prescribing the manner of making an application for confirmation of the location of boundaries and the material to be submitted with the application;
- (c) requiring any information in connection with any application, evidence or procedure to be verified by affidavit or declaration;
- (d) requiring the payment of fees and prescribing the amounts thereof;
- (e) prescribing one or more methods by which notice of a hearing under this Act may be given;
- (f) prescribing forms and providing for their use;
- (g) prescribing the manner of making an objection to the location of the boundary or boundaries as shown on the plan of survey and the material to be submitted with the objection;
- (h) prescribing administrative procedures for the purposes of this Act;
- (i) governing the manner of recording oral evidence and the manner of providing copies thereof;
- (j) prescribing the procedures to be followed by land registrars with respect to matters under this Act;
- (k) respecting costs and the taxation thereof; and
- (l) governing the correction of plans under section 18. R.S.O. 1970, c. 48, s. 20, *amended.*

Transition

22.—(1) Notwithstanding section 23, where, prior to the coming into force of this Act, notice of an application has been

given pursuant to subsection 1 of section 9 of *The Boundaries Act*, being chapter 48 of the Revised Statutes of Ontario, 1970, the application shall be continued as if that Act had not been repealed.

(2) Where, prior to the coming into force of this Act, the Director received an application under section 4 of *The Boundaries Act*, being chapter 48 of the Revised Statutes of Ontario, 1970, but no notice of the application has been given under subsection 1 of section 9 of that Act, the application, upon the coming into force of this Act, shall be taken up and continued in conformity with this Act. Idem

23. The following are repealed:

Repeals

1. *The Boundaries Act*, being chapter 48 of the Revised Statutes of Ontario, 1970.
2. Section 13 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
3. Section 29 of *The Government Reorganization Act, 1972*, being chapter 1.

24. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

25. The short title of this Act is *The Boundaries Act, 1980*. Short title

An Act to revise
The Boundaries Act

1st Reading

June 19th, 1980

2nd Reading

October 7th, 1980

3rd Reading

October 14th, 1980

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

3
BILL 139

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 *Lg*

An Act to amend
The Shoreline Property Assistance Act, 1973

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Section 3 of the Act sets out the procedure to be followed by a property owner who wishes to borrow money from a municipality to construct works on his property to protect it against further damage by floods or the elements.

Subsection 8 stipulates that no loan for the construction of works may exceed 90 per cent of the cost of the works or the maximum amount set out in the regulations under the Act, whichever is less.

The amendment will remove the 90 per cent limit from the Act and provide that the maximum limit will be set by regulations.

SECTION 2.—Subsection 1. Section 5 of the Act sets out the procedure by which a municipality borrows money from the Treasurer of Ontario for purposes of making loans to property owners for the construction of works.

At present, subsection 5 stipulates that the debentures issued by the municipality to the Treasurer of Ontario will be for a term of 20 years. The amendment will provide that the term of the debentures will be the term set out in the regulations under the Act.

Subsection 2. At present, subsection 8 provides that where a municipality wishes to borrow money from the Treasurer of Ontario it will present to the Treasurer of Ontario a debenture issued by it for the amount to be borrowed along with an offer to sell the debenture in the prescribed form. The amendment will require the municipality to present in addition a certificate showing that the work in respect of which the money is being borrowed has been properly completed and showing the value of the work.

SECTION 3. At present, section 7 of the Act provides that the term of a loan from a municipality to a property owner for the construction of works will be 20 years. The amendment will require the term of the loan to be the same length as the term of the debenture.

BILL 139

1980

An Act to amend The Shoreline Property Assistance Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 of section 3 of *The Shoreline Property Assistance Act*, 1973, being chapter 22, is repealed and the following substituted therefor: s. 3 (8),
re-enacted

(8) No loan for the construction of works shall exceed the amount prescribed. Limitation
on loans

- 2.—(1) Subsection 5 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 10, section 1, is amended by striking out “a period of twenty years” in the first and second lines and inserting in lieu thereof “such period as is prescribed”. s. 5 (5),
amended

- (2) Subsection 8 of the said section 5 is repealed and the following substituted therefor: s. 5 (8),
re-enacted

(8) An application requesting the Treasurer of Ontario to purchase a debenture, which shall be by way of an offer to sell in the prescribed form, and a copy of the inspection and completion certificate mentioned in subsection 1 certified by the clerk with whom it was filed shall accompany the debenture delivered to the Treasurer of Ontario. Offer
to sell

3. Section 7 of the said Act is repealed and the following substituted therefor: s. 7,
re-enacted

7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof at a rate of interest equal to that set out in the debenture by which the funds are borrowed and the term of the loan shall be the same number of years as the term of the debenture. Terms on
which council
shall lend
money

s. 8,
re-enacted

4. Section 8 of the said Act is repealed and the following substituted therefor:

Collection
of special
rate

8.—(1) The council shall impose by by-law in the prescribed form and, subject to section 11, shall levy and collect for the term of the loan, over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge within the term of the loan the principal and interest of the money lent, and the special rates imposed shall be deemed to be taxes, and the provisions of *The Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default thereof, apply.

R.S.O. 1970,
c. 284

Registration
of by-law

(2) Where the council of a municipality passes a by-law under subsection 1 imposing special equal annual rates on land, the clerk of the municipality shall forthwith register a copy of the by-law in the proper land registry office.

Persons and
interests not
affected

(3) Notwithstanding subsection 1, where an interest is acquired by a person for valuable consideration in land that is subject to special annual rates imposed by a by-law passed under subsection 1 and where that interest is acquired subsequent to the passing of the by-law but prior to the registration of the by-law in the proper land registry office, and where the person had no actual notice of the by-law, that interest and the person in respect of that interest, so long as it continues to be held by that person, are not affected by any proceedings taken by the municipality under subsection 1 for the collection or recovery of the rates.

Liability to
Treasurer

(4) Nothing in subsection 3 relieves a municipality from its obligation to repay to the Treasurer of Ontario all moneys borrowed from the Treasurer under this Act in respect of any land together with interest thereon in accordance with the debenture issued by the municipality for the borrowing of such moneys.

s. 13,
re-enacted

5. Section 13 of the said Act is repealed and the following substituted therefor:

Loans for
building
repairs

13. Part I applies with necessary modifications to building repairs, but no loan for building repairs shall exceed the amount prescribed.

s. 14,
amended

6. Section 14 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 10, section 3, is further amended by adding thereto the following clause:

(e) prescribing the term of the debentures that may be issued under this Act.

SECTION 4. At present, section 8 requires the municipality to levy an annual rate on the land of an owner who has borrowed money from the municipality under the Act. The amount of the rate is to be such as will discharge the total loan, including interest, within 20 years. The amendment incorporated in the new subsection 1 will require the rate to be of such amount as will discharge the total loan, including interest, within the term of the loan.

Subsection 2 will require the municipality to register the by-law by which it imposes special annual rates on a property under this section. At present, there is no registering requirement.

Subsection 3 will prevent a municipality that has not registered its rating by-law from enforcing it against a person who acquires an interest for value in land that is subject to the by-law, provided that the person has no knowledge of the by-law.

Subsection 4 provides that where a municipality is prevented by subsection 3 from enforcing the collection of rates against a certain property, the municipality, nevertheless, remains liable to repay to the Treasurer of Ontario in accordance with the debentures issued therefor any moneys borrowed under the Act by the municipality from the Treasurer of Ontario in respect of that property.

SECTION 5. Section 13 of the Act makes Part I of the Act applicable to the repairing of a building or structure damaged by high water levels, or certain other specified causes. The section stipulates that no loan to a property owner may exceed 90 per cent of the cost of the repair or the maximum amount set out in the regulations under the Act, whichever is less. The amendment will provide that no such loan may exceed the maximum amount set out in the regulations.

SECTION 6. The amendment to section 14 of the Act will allow the Lieutenant Governor in Council to make regulations prescribing the term of the debentures that may be issued under the Act.

SECTION 7. Subsection 1 will validate all by-laws passed, debentures issued, loans made, and rates imposed under *The Shoreline Property Assistance Act, 1973*, to the date this Act comes into force.

Subsection 2 will exempt the lots described in the Schedule from the rates imposed upon them under *The Shoreline Property Assistance Act, 1973*, prior to the coming into force of this Act.

Subsection 3 will make it clear that the Township of Malden is not relieved from its obligation to repay to the Treasurer of Ontario all moneys borrowed by it from the Treasurer of Ontario under the Act in respect of the properties exempted by subsection 2.

SECTION 8. Section 8 will, for purposes of subsection 3 of section 8 of *The Shoreline Property Assistance Act, 1973*, deem rating by-laws passed prior to the coming into force of this Act to have been passed on the date this Act comes into force. This will ensure that if a municipality registers its outstanding rating by-laws by the day this Act comes into force, it may enforce those by-laws against property owners who acquired their property interest subsequent to the passing of the by-laws.

- 7.—(1) Every by-law heretofore passed or purporting to have been passed by the council of a municipality under subsection 1 of section 2 of *The Shoreline Property Assistance Act, 1973* is hereby declared to be and to have always been valid and binding in accordance with the provisions thereof and every debenture purchased by the Treasurer of Ontario, every loan made by the municipality to an owner of land and every special rate levied on the land of an owner under that Act pursuant to the said by-law is hereby declared to be and to have always been valid and binding on the corporation of the municipality that passed the by-law and on the owner and the land to whom or in respect of which the loan was made. By-laws, etc., declared valid 1973, c. 22
- (2) Notwithstanding subsection 1, the special rates imposed under section 8 of *The Shoreline Property Assistance Act, 1973* on the lands described in the Schedule hereto are hereby declared to be and to have always been invalid and do not constitute a charge or lien on the lands. Certain special rates invalid
- (3) Notwithstanding subsection 2, The Corporation of the Township of Malden is not relieved from its obligation to repay to the Treasurer of Ontario all moneys borrowed from the Treasurer under *The Shoreline Property Assistance Act, 1973* in respect of the lands described in the Schedule hereto, together with interest thereon, in accordance with the debenture issued by the township for the borrowing of those moneys. Township of Malden
8. Subsection 2 of section 8 of *The Shoreline Property Assistance Act, 1973*, as re-enacted by section 4 of this Act, applies to a by-law for the imposing of special annual rates passed under section 8 of *The Shoreline Property Assistance Act, 1973* prior to the coming into force of this Act but for the purpose of subsection 3 of section 8 of *The Shoreline Property Assistance Act, 1973*, as re-enacted by section 4 of this Act, the by-law shall be deemed to have been passed on the day this Act comes into force. Application
9. The said Act is amended by adding thereto the following Schedule: Schedule, enacted

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Malden, in the County of Essex and the Province of Ontario, more particularly described as follows:

FIRSTLY, all of Lots 6 and 7 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1103.

SECONDLY, all of Lot 7 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1502.

THIRDLY, all of Lot 14 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1193.

FOURTHLY, all of Lot 20 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1038.

- | | |
|-------------------|--|
| Commence-
ment | 10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. |
| Short title | 11. The short title of this Act is <i>The Shoreline Property Assistance Amendment Act, 1980</i> . |

BILL 139

An Act to amend
The Shoreline Property Assistance
Act, 1973

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend
The Shoreline Property Assistance Act, 1973

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Section 3 of the Act sets out the procedure to be followed by a property owner who wishes to borrow money from a municipality to construct works on his property to protect it against further damage by floods or the elements.

Subsection 8 stipulates that no loan for the construction of works may exceed 90 per cent of the cost of the works or the maximum amount set out in the regulations under the Act, whichever is less.

The amendment will remove the 90 per cent limit from the Act and provide that the maximum limit will be set by regulations.

SECTION 2.—Subsection 1. Section 5 of the Act sets out the procedure by which a municipality borrows money from the Treasurer of Ontario for purposes of making loans to property owners for the construction of works.

At present, subsection 5 stipulates that the debentures issued by the municipality to the Treasurer of Ontario will be for a term of 20 years. The amendment will provide that the term of the debentures will be the term set out in the regulations under the Act.

Subsection 2. At present, subsection 8 provides that where a municipality wishes to borrow money from the Treasurer of Ontario it will present to the Treasurer of Ontario a debenture issued by it for the amount to be borrowed along with an offer to sell the debenture in the prescribed form. The amendment will require the municipality to present in addition a certificate showing that the work in respect of which the money is being borrowed has been properly completed and showing the value of the work.

SECTION 3. At present, section 7 of the Act provides that the term of a loan from a municipality to a property owner for the construction of works will be 20 years. The amendment will require the term of the loan to be the same length as the term of the debenture.

BILL 139

1980

An Act to amend The Shoreline Property Assistance Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 of section 3 of *The Shoreline Property Assistance Act*, 1973, being chapter 22, is repealed and the following substituted therefor: s. 3 (8),
re-enacted

(8) No loan for the construction of works shall exceed the amount prescribed. Limitation
on loans

- 2.—(1) Subsection 5 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 10, section 1, is amended by striking out “a period of twenty years” in the first and second lines and inserting in lieu thereof “such period as is prescribed”. s. 5 (5),
amended

- (2) Subsection 8 of the said section 5 is repealed and the following substituted therefor: s. 5 (8),
re-enacted

(8) An application requesting the Treasurer of Ontario to purchase a debenture, which shall be by way of an offer to sell in the prescribed form, and a copy of the inspection and completion certificate mentioned in subsection 1 certified by the clerk with whom it was filed shall accompany the debenture delivered to the Treasurer of Ontario. Offer
to sell

3. Section 7 of the said Act is repealed and the following substituted therefor: s. 7,
re-enacted

7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof at a rate of interest equal to that set out in the debenture by which the funds are borrowed and the term of the loan shall be the same number of years as the term of the debenture. Terms on
which council
shall lend
money

s. 8,
re-enacted

4. Section 8 of the said Act is repealed and the following substituted therefor:

Collection
of special
rate

8.—(1) The council shall impose by by-law in the prescribed form and, subject to section 11, shall levy and collect for the term of the loan, over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge within the term of the loan the principal and interest of the money lent, and the special rates imposed shall be deemed to be taxes, and the provisions of *The Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default thereof, apply.

R.S.O. 1970,
c. 284

Registration
of by-law

(2) Where the council of a municipality passes a by-law under subsection 1 imposing special equal annual rates on land, the clerk of the municipality shall forthwith register a copy of the by-law in the proper land registry office.

s. 13,
re-enacted

5. Section 13 of the said Act is repealed and the following substituted therefor:

Loans for
building
repairs

13. Part I applies with necessary modifications to building repairs, but no loan for building repairs shall exceed the amount prescribed.

s. 14,
amended

6. Section 14 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 10, section 3, is further amended by adding thereto the following clause:

(e) prescribing the term of the debentures that may be issued under this Act.

By-laws, etc.,
declared
valid
1973, c. 22

- 7.—(1) Every by-law heretofore passed or purporting to have been passed by the council of a municipality under subsection 1 of section 2 of *The Shoreline Property Assistance Act, 1973* is hereby declared to be and to have always been valid and binding in accordance with the provisions thereof and every debenture purchased by the Treasurer of Ontario, every loan made by the municipality to an owner of land and every special rate levied on the land of an owner under that Act pursuant to the said by-law is hereby declared to be and to have always been valid and binding on the corporation of the municipality that passed the by-law and on the owner and the land to whom or in respect of which the loan was made.

Certain
special
rates
invalid
1973, c. 22

- (2) Notwithstanding subsection 1, the special rates imposed under section 8 or 13 of *The Shoreline Property Assistance Act, 1973* on the lands described in the schedule hereto are hereby declared to be and to have always been invalid and do not

SECTION 4. At present, section 8 requires the municipality to levy an annual rate on the land of an owner who has borrowed money from the municipality under the Act. The amount of the rate is to be such as will discharge the total loan, including interest, within 20 years. The amendment incorporated in the new subsection 1 will require the rate to be of such amount as will discharge the total loan, including interest, within the term of the loan.

Subsection 2 will require the municipality to register the by-law by which it imposes special annual rates on a property under this section. At present, there is no registering requirement.

SECTION 5. Section 13 of the Act makes Part I of the Act applicable to the repairing of a building or structure damaged by high water levels, or certain other specified causes. The section stipulates that no loan to a property owner may exceed 90 per cent of the cost of the repair or the maximum amount set out in the regulations under the Act, whichever is less. The amendment will provide that no such loan may exceed the maximum amount set out in the regulations.

SECTION 6. The amendment to section 14 of the Act will allow the Lieutenant Governor in Council to make regulations prescribing the term of the debentures that may be issued under the Act.

SECTION 7. Subsection 1 will validate all by-laws passed, debentures issued, loans made, and rates imposed under *The Shoreline Property Assistance Act, 1973*, to the date this Act comes into force.

Subsection 2 will exempt the lots described in the Schedule from the rates imposed upon them under *The Shoreline Property Assistance Act, 1973*, prior to the coming into force of this Act.

Subsection 3 will make it clear that the Township of Malden is not relieved from its obligation to repay to the Treasurer of Ontario all moneys borrowed by it from the Treasurer of Ontario under the Act in respect of the properties exempted by subsection 2.

constitute a charge or lien on the lands and that the moneys borrowed by the owner thereof under the provisions of the said Act are hereby deemed not to be or to have been a debt upon which special rates may have been or may be imposed, assessed or levied against such lands or any interest therein.



- (3) Notwithstanding subsection 2, The Corporation of the Township of Malden is not relieved from its obligation to repay to the Treasurer of Ontario all moneys borrowed from the Treasurer under *The Shoreline Property Assistance Act*, 1973, c. 22 in respect of the lands described in the Schedule hereto, together with interest thereon, in accordance with the debenture issued by the township for the borrowing of those moneys.

8. The said Act is amended by adding thereto the following Schedule: Schedule, enacted

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Malden, in the County of Essex and the Province of Ontario, more particularly described as follows:

FIRSTLY, all of Lots 6 and 7 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1103.

SECONDLY, all of Lot 7 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1502.

THIRDLY, all of Lot 14 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1193.

FOURTHLY, all of Lot 20 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1038.

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement
10. The short title of this Act is *The Shoreline Property Assistance Amendment Act, 1980*. Short title

BILL 139

An Act to amend
The Shoreline Property Assistance
Act, 1973

1st Reading

June 19th, 1980

2nd Reading

October 28th, 1980

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Reprinted as amended by
the Committee of the Whole House)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend
The Shoreline Property Assistance Act, 1973

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



BILL 139

1980

An Act to amend The Shoreline Property Assistance Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 8 of section 3 of *The Shoreline Property Assistance Act, 1973*, being chapter 22, is repealed and the following substituted therefor: s. 3 (8),
re-enacted

(8) No loan for the construction of works shall exceed the amount prescribed. Limitation
on loans

- 2.—(1) Subsection 5 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 10, section 1, is amended by striking out “a period of twenty years” in the first and second lines and inserting in lieu thereof “such period as is prescribed”. s. 5 (5),
amended

- (2) Subsection 8 of the said section 5 is repealed and the following substituted therefor: s. 5 (8),
re-enacted

(8) An application requesting the Treasurer of Ontario to purchase a debenture, which shall be by way of an offer to sell in the prescribed form, and a copy of the inspection and completion certificate mentioned in subsection 1 certified by the clerk with whom it was filed shall accompany the debenture delivered to the Treasurer of Ontario. Offer
to sell

3. Section 7 of the said Act is repealed and the following substituted therefor: s. 7,
re-enacted

7. The council shall lend the money so borrowed under the authority of section 2 in sums of \$100 or multiples thereof at a rate of interest equal to that set out in the debenture by which the funds are borrowed and the term of the loan shall be the same number of years as the term of the debenture. Terms on
which council
shall lend
money

s. 8,
re-enacted

4. Section 8 of the said Act is repealed and the following substituted therefor:

Collection
of special
rate

8.—(1) The council shall impose by by-law in the prescribed form and, subject to section 11, shall levy and collect for the term of the loan, over and above all other rates, upon the land in respect of which the money is lent, a special equal annual rate sufficient to discharge within the term of the loan the principal and interest of the money lent, and the special rates imposed shall be deemed to be taxes, and the provisions of *The Municipal Act* as to the collection and recovery of taxes, and the proceedings that may be taken in default thereof, apply.

R.S.O. 1970,
c. 284

Registration
of by-law

(2) Where the council of a municipality passes a by-law under subsection 1 imposing special equal annual rates on land, the clerk of the municipality shall forthwith register a copy of the by-law in the proper land registry office.

s. 13,
re-enacted

5. Section 13 of the said Act is repealed and the following substituted therefor:

Loans for
building
repairs

13. Part I applies with necessary modifications to building repairs, but no loan for building repairs shall exceed the amount prescribed.

s. 14,
amended

6. Section 14 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 10, section 3, is further amended by adding thereto the following clause:

(e) prescribing the term of the debentures that may be issued under this Act.

By-laws, etc.,
declared
valid
1973, c. 22

- 7.—(1) Every by-law heretofore passed or purporting to have been passed by the council of a municipality under subsection 1 of section 2 of *The Shoreline Property Assistance Act, 1973* is hereby declared to be and to have always been valid and binding in accordance with the provisions thereof and every debenture purchased by the Treasurer of Ontario, every loan made by the municipality to an owner of land and every special rate levied on the land of an owner under that Act pursuant to the said by-law is hereby declared to be and to have always been valid and binding on the corporation of the municipality that passed the by-law and on the owner and the land to whom or in respect of which the loan was made.

Certain
special
rates
invalid
1973, c. 22

- (2) Notwithstanding subsection 1, the special rates imposed under section 8 or 13 of *The Shoreline Property Assistance Act, 1973* on the lands described in the schedule hereto are hereby declared to be and to have always been invalid and do not

constitute a charge or lien on the lands and that the moneys borrowed by the owner thereof under the provisions of the said Act are hereby deemed not to be or to have been a debt upon which special rates may have been or may be imposed, assessed or levied against such lands or any interest therein.

- (3) Notwithstanding subsection 2, The Corporation of the Township of Malden is not relieved from its obligation to repay to the Treasurer of Ontario all moneys borrowed from the Treasurer under *The Shoreline Property Assistance Act*, 1973, c. 22, together with interest thereon, in accordance with the debenture issued by the township for the borrowing of those moneys.

8. The said Act is amended by adding thereto the following Schedule: Schedule, enacted

SCHEDULE

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Malden, in the County of Essex and the Province of Ontario, more particularly described as follows:

FIRSTLY, all of Lots 6 and 7 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1103.

SECONDLY, all of Lot 7 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1502.

THIRDLY, all of Lot 14 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1193.

FOURTHLY, all of Lot 20 according to a plan registered in the Land Registry Office for the Registry Division of Essex (No. 12) as No. 1038.

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement
10. The short title of this Act is *The Shoreline Property Assistance Amendment Act, 1980*. Short title

An Act to amend
The Shoreline Property Assistance
Act, 1973

1st Reading

June 19th, 1980

2nd Reading

October 28th, 1980

3rd Reading

November 14th, 1980

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

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4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980 ²Legislative Assembly

An Act to amend
The Children's Law Reform Act, 1977

THE HON. R. MCMURTRY
Attorney General

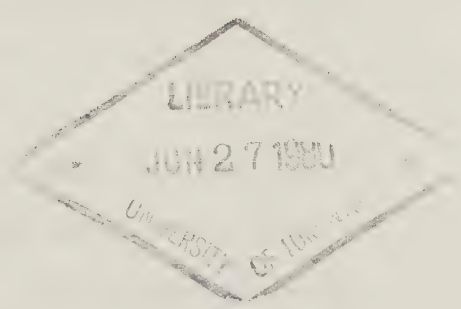


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EXPLANATORY NOTE

The Bill adds Part IV to the Act. This new Part deals with custody of and access to children and guardianship of the property of children.

BILL 140

1980

An Act to amend The Children's Law Reform Act, 1977

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Children's Law Reform Act, 1977*, being chapter 41, is ^{Act,} amended, ^{amended}

(a) by renumbering sections 25 and 26 as sections 85 and 86;
and

(b) by adding thereto the following Part:

PART IV

CUSTODY, ACCESS AND GUARDIANSHIP

INTERPRETATION

25.—(1) In this Part,

Interpre-
tation

- (a) "court" means a provincial court (family division), the Unified Family Court, a county or district court, the Supreme Court or a surrogate court exercising jurisdiction under section 77;
- (b) "extra-provincial order" means an order, or that part of an order of an extra-provincial tribunal that grants to a person custody of or access to a child;
- (c) "extra-provincial tribunal" means a court or tribunal outside Ontario that has jurisdiction to grant to a person custody of or access to a child.

(2) A reference in this Part to a child is a reference to the child ^{Child} while a minor.

Purposes

26. The purposes of this Part are,

- (a) to ensure that applications to the courts in respect of custody of, incidents of custody of, access to and guardianship for children will be determined on the basis of the best interests of the children;
- (b) to recognize that the concurrent exercise of jurisdiction by judicial tribunals of more than one province, territory or state in respect of the custody of the same child ought to be avoided, and to make provision so that the courts of Ontario will, unless there are exceptional circumstances, refrain from exercising or decline jurisdiction in cases where it is more appropriate for the matter to be determined by a tribunal having jurisdiction in another place with which the child has a closer connection;
- (c) to discourage the abduction of children as an alternative to the determination of custody rights by due process; and
- (d) to provide for the more effective enforcement of custody and access orders and for the recognition and enforcement of custody and access orders made outside Ontario.

CUSTODY AND ACCESS

Father and
mother
entitled to
custody

27.—(1) Except as otherwise provided in this Part, the father and the mother of a child are equally entitled to custody of the child.

Rights
and
responsi-
bilities

(2) A person entitled to custody of a child has the rights and responsibilities of a parent in respect of the person of the child, including,

- (a) the right to care and control of the child;
- (b) the right to direct the education and moral or religious training of the child,

in the best interests of the child.

Authority
to act

(3) Where more than one person is entitled to custody of a child, any one of them may exercise the rights and accept the responsibilities of a parent on behalf of them in respect of the child.

Where
parents
separate

(4) Where the parents of a child live separate and apart and the child resides with one of them, the right of the other to exercise the entitlement to custody and the incidents of custody, but not the

entitlement to access, is suspended until a separation agreement or order otherwise provides.

(5) The entitlement to access to a child includes the right to make reasonable inquiries and to be given information as to the health, education and welfare of the child. Access includes certain information

(6) The entitlement to custody of or access to a child terminates on the marriage of the child. Marriage of child

(7) Any entitlement to custody or access or incidents of custody under this section is subject to alteration by an order of the court or by separation agreement. Entitlement subject to agreement or order

28. A parent of a child or any other person may apply to a court for an order respecting custody of or access to the child or determining any aspect of the incidents of custody of the child. Application for order

29.—(1) A court shall only exercise its jurisdiction to make an order in respect of custody of or access to a child where, Jurisdiction

(a) the child is habitually resident in Ontario at the commencement of the application for the order;

(b) although the child is not habitually resident in Ontario, the court is satisfied,

(i) that the child is physically present in Ontario at the commencement of the application for the order,

(ii) that substantial evidence concerning the best interests of the child is available in Ontario,

(iii) that no application for custody of or access to the child is pending before an extra-provincial tribunal in another place where the child is habitually resident,

(iv) that no extra-provincial order in respect of custody of or access to the child has been recognized by a court in Ontario,

(v) that the child has a real and substantial connection with Ontario, and

(vi) that, on the balance of convenience, it is appropriate for jurisdiction to be exercised in Ontario.

(2) A child is habitually resident in the place where he resided, Habitual residence

- (a) with both parents;
- (b) where the parents are living separate and apart, with one parent by separation agreement with or implied consent of the other or under a court order; or
- (c) with a person other than a parent on a permanent basis for a significant period of time,

whichever last occurred.

Abduction

(3) The removal or withholding of a child without the consent of the person having custody of the child does not alter the habitual residence of the child unless there has been acquiescence or undue delay in commencing due process by the person from whom the child is removed or withheld.

Serious
harm
to child

30. Notwithstanding any other provision of this Part, a court may exercise its jurisdiction to make or to vary an order in respect of the custody of or access to a child where,

- (a) the child is physically present in Ontario; and
- (b) the court is satisfied that the child will suffer serious harm if,
 - (i) the child remains in the custody of the person legally entitled to custody of the child,
 - (ii) the child is returned to the custody of the person legally entitled to custody of the child, or
 - (iii) the child is removed from Ontario.

Merits of
application
for custody
or access

31.—(1) The merits of an application under this Part in respect of custody of or access to a child shall be determined on the basis of the best interests of the child.

Best
interests
of child

(2) In determining the best interests of a child for the purposes of an application under this Part in respect of custody of or access to a child, a court shall consider all the circumstances of the child including,

- (a) the love, affection and emotional ties between the child and,
 - (i) each person entitled to or claiming custody of or access to the child,
 - (ii) other members of the child's family who reside with the child, and

- (iii) persons involved in the care and upbringing of the child;
 - (b) the views and preferences of the child, where such views and preferences can reasonably be ascertained;
 - (c) the length of time the child has lived in a stable home environment;
 - (d) the capacity and disposition of each person applying for custody of the child to provide the child with guidance and education, the necessities of life and any special needs of the child;
 - (e) any plans proposed for the care and upbringing of the child;
 - (f) the permanence and stability of any proposed custodial home as a family unit; and
 - (g) the relationship by blood between the child and each person who is a party to the application.
- (3) The past conduct of a person is not relevant to a determination of an application under this Part in respect of custody of or access to a child unless the conduct is relevant to the relationship between the person and the child. Past conduct
32. A court having jurisdiction under this Part in respect of custody, the incidents of custody or access may decline to exercise its jurisdiction where it is of the opinion that the matter ought to be dealt with by an extra-provincial tribunal. Declining jurisdiction
- 33.—(1) Where an application under this Part in respect of custody of or access to a child has not been heard within six months after the commencement of the proceedings, the clerk or registrar of the court shall list the application for the court and give notice to the parties of the date and time when and the place where the court will fix a date for the hearing of the application. Delay
- (2) At a hearing of a matter listed by the clerk or registrar in accordance with subsection 1, the court by order may fix a date for the hearing of the application and may give such directions in respect of the proceedings and make such order in respect of the costs of the proceedings as the court considers appropriate. Directions
- (3) Where the court fixes a date under subsection 2, the court shall fix the earliest date that, in the opinion of the court, is compatible with a just disposition of the application. Early date

Effect of
divorce
proceedings
R.S.C. 1970,
c. D-8

34. Where an action for divorce is commenced under the *Divorce Act* (Canada), any application under this Part in respect of custody of or access to a child that has not been determined is stayed except by leave of the court.

CUSTODY AND ACCESS—ORDERS

Powers
of court

35. The court to which an application is made under section 28,

- (a) by order may grant the custody of or access to the child to one or more persons;
- (b) by order may determine any aspect of the incidents of the right to custody or access; and
- (c) may make such additional order as the court considers necessary and proper in the circumstances.

Order
varying
an order

36. A court shall not make an order under section 35 that varies an order in respect of custody or access made by a court in Ontario unless there has been a material change in circumstances that affects or is likely to affect the best interests of the child.

CUSTODY AND ACCESS—ASSISTANCE TO COURT

Assessment
of needs of
child

37.—(1) The court before which an application is brought in respect of custody of or access to a child, by order, may appoint a person who has technical or professional skill to assess and report to the court on the needs of the child and the ability and willingness of the parties or any of them to satisfy the needs of the child.

When
order
may be
made

(2) An order may be made under subsection 1 on or before the hearing of the application in respect of custody of or access to the child and with or without a request by a party to the application.

Agreement
by parties

(3) The court shall, if possible, appoint a person agreed upon by the parties, but if the parties do not agree the court shall choose and appoint the person.

Consent
to act

(4) The court shall not appoint a person under subsection 1 unless the person has consented to make the assessment and to report to the court within the period of time specified by the court.

Attendance
for
assessment

(5) In an order under subsection 1, the court may require the parties, the child, or any of them, to attend for assessment by the person appointed by the order.

Refusal
to attend

(6) Where a person ordered under this section to attend for assessment refuses to attend or to undergo the assessment, the

court may draw such inferences in respect of the ability and willingness of the person to satisfy the needs of the child as the court considers appropriate.

(7) The person appointed under subsection 1 shall file his report with the clerk or registrar of the court. Report

(8) The clerk or registrar of the court shall give a copy of the report to each of the parties and to counsel, if any, representing the child. Copies of report

(9) The report mentioned in subsection 7 is admissible in evidence in the application. Admissibility of report

(10) Any of the parties, and counsel, if any, representing the child, may require the person appointed under subsection 1 to attend as a witness at the hearing of the application. Assessor may be witness

(11) Upon motion, the court by order may give such directions in respect of the assessment as the court considers appropriate. Directions

(12) The court shall require the parties to pay the fees and expenses of the person appointed under subsection 1. Fees and expenses

(13) The court shall specify in the order the proportions or amounts of the fees and expenses that the court requires each party to pay. Idem, proportions or amounts

(14) The court may relieve a party from responsibility for payment of any of the fees and expenses of the person appointed under subsection 1 where the court is satisfied that payment would cause serious financial hardship to the party. Idem, serious financial hardship

(15) The appointment of a person under subsection 1 does not prevent the parties or counsel representing the child from submitting other expert evidence as to the needs of the child and the ability and willingness of the parties or any of them to satisfy the needs of the child. Other expert evidence

38.—(1) Upon an application for custody of or access to a child, the court, at the request of the parties, by order may appoint a person selected by the parties to mediate any matter specified in the order. Mediation

(2) The court shall not appoint a person under subsection 1 unless the person, Consent to act

(a) has consented to act as mediator; and

(b) has agreed to file a report with the court within the period of time specified by the court.

Duty of
mediator

(3) It is the duty of a mediator to confer with the parties and endeavour to obtain an agreement in respect of the matter.

Form of
report

(4) Before entering into mediation on the matter, the parties shall decide whether,

(a) the mediator is to file a full report on the mediation, including anything that the mediator considers relevant to the matter in mediation; or

(b) the mediator is to file a report that either sets out the agreement reached by the parties or states only that the parties did not reach agreement on the matter.

Filing of
report

(5) The mediator shall file his report with the clerk or registrar of the court in the form decided upon by the parties under subsection 4.

Copies of
report

(6) The clerk or registrar of the court shall give a copy of the report to each of the parties and to counsel, if any, representing the child.

Admissions
made in
the course
of mediation

(7) Where the parties have decided that the mediator's report is to be in the form described in clause *b* of subsection 4, evidence of anything said or of any admission or communication made in the course of the mediation is not admissible in any proceeding except with the consent of all parties to the proceeding in which the order was made under subsection 1.

Fees and
expenses

(8) The court shall require the parties to pay the fees and expenses of the mediator.

Idem,
proportions
or amounts

(9) The court shall specify in the order the proportions or amounts of the fees and expenses that the court requires each party to pay.

Idem,
serious
financial
hardship

(10) The court may relieve a party from responsibility for payment of any of the fees and expenses of the mediator where the court is satisfied that payment would cause serious financial hardship to the party.

Official
Guardian's
report

39.—(1) Where, in a proceeding for divorce, mention is made in the petition or counter-petition of a child of the marriage under the age of eighteen years and the Official Guardian is of the opinion that an investigation and a report to the court as to the present circumstances and the proposed arrangements for the custody of, the access to and the support and education of the child ought to be made, the Official Guardian shall cause the investigation to be made and shall file the report with the court.

(2) Where the Official Guardian does not cause an investigation to be made or does not file a report under subsection 1, the court may require the Official Guardian to cause an investigation to be made and to report to the court in respect of the custody of, the access to and the support and education of the child. Idem

(3) In an application under section 28 or where custody of or access to a child is claimed in an action for annulment of a marriage, unless the court otherwise directs, the Official Guardian shall cause an investigation to be made and shall report to the court in respect of the custody of, the access to and the support and education of the child. Idem

(4) Notice of an application under section 28 shall be served on the Official Guardian. Service of application

(5) Where custody of or access to a child is claimed in an action for annulment of a marriage, the statement of claim shall be served on the Official Guardian. Service of statement of claim

(6) The Official Guardian may engage a person or body to make an investigation under this section. Agents

(7) The report of any person making the investigation, verified by the affidavit of the person, is admissible in evidence in any action, application or proceeding mentioned in this section. Admissibility of report

(8) Where the facts contained in the report are disputed, the Official Guardian or his agent shall if directed by the court, and may when not so directed, attend the trial and cause the person making the investigation to attend as a witness. Attendance at trial

(9) The person commencing any action, application or proceeding mentioned in this section shall pay such fees for and disbursements arising from an investigation in respect of the action, application or proceeding as are prescribed under *The Administration of Justice Act*. Payment of fees and disbursements
R.S.O. 1970, c. 6

(10) The Official Guardian may refuse to file his report of the investigation with the court until the fees and disbursements payable under subsection 9 have been paid, unless otherwise directed by the court. Idem

(11) The fees and disbursements of the Official Guardian payable under subsection 9 shall be deemed to be costs incurred in the action, application or proceeding for the purposes of any award as to costs by the court. Fees and disbursements deemed costs

40.—(1) Where a court is of the opinion that it is necessary to receive further evidence from a place outside Ontario before Further evidence

making a decision, the court may send to the Attorney General, Minister of Justice or similar officer of the place outside Ontario such supporting material as may be necessary together with a request,

- (a) that the Attorney General, Minister of Justice or similar officer take such action as may be necessary in order to require a named person to attend before the proper tribunal in that place and produce or give evidence in respect of the subject-matter of the application; and
- (b) that the Attorney General, Minister of Justice or similar officer or the tribunal send to the court a certified copy of the evidence produced or given before the tribunal.

Cost of
obtaining
evidence

(2) A court that acts under subsection 1 may assess the cost of so acting against one or more of the parties to the application or may deal with such cost as costs in the cause.

Referral to
court

41.—(1) Where the Attorney General receives from an extra-provincial tribunal a request similar to that referred to in section 40 and such supporting material as may be necessary, it is the duty of the Attorney General to refer the request and the material to the proper court.

Obtaining
evidence

(2) A court to which a request is referred by the Attorney General under subsection 1 shall require the person named in the request to attend before the court and produce or give evidence in accordance with the request.

CUSTODY AND ACCESS—ENFORCEMENT

Supervision
of custody
or access

42.—(1) Where an order is made for custody of or access to a child, a court may give such directions as it considers appropriate for the supervision of the custody or access by a person, a children's aid society or other body.

Consent
to act

(2) A court shall not direct a person, a children's aid society or other body to supervise custody or access as mentioned in subsection 1 unless the person, society or body has consented to act as supervisor.

Order
restraining
harassment

43. Upon application, a court may make an order restraining any person from molesting, annoying or harassing the applicant or a child in the lawful custody of the applicant and may require the respondent to enter into such recognizance, with or without sureties, or to post a bond as the court considers appropriate.

Order where
child unlaw-
fully
withheld

44.—(1) Where a court is satisfied upon application by a person in whose favour an order has been made for custody of or access to

a child that there are reasonable and probable grounds for believing that any person is unlawfully withholding the child from the applicant, the court by order may authorize the applicant or someone on his behalf to apprehend the child for the purpose of giving effect to the rights of the applicant to custody or access, as the case may be.

(2) Where a court is satisfied upon application that there are reasonable and probable grounds for believing, Order to locate and take child

- (a) that any person is unlawfully withholding a child from a person entitled to custody of or access to the child; or
- (b) that a person who is entitled to access to a child or who is prohibited by court order or separation agreement from removing a child from Ontario proposes to remove the child or have the child removed from Ontario and that the child is not likely to return,

the court by order may direct the sheriff or a police force, or both, having jurisdiction in any area where it appears to the court that the child may be, to locate, apprehend and deliver the child to the person named in the order.

(3) An order may be made under subsection 2 upon an application without notice where the court is satisfied that it is necessary that action be taken without delay. Application without notice

(4) The sheriff or police force directed to act by an order under subsection 2 shall do all things reasonably able to be done to locate, apprehend and deliver the child in accordance with the order. Duty to act

(5) For the purpose of locating and apprehending a child in accordance with an order under subsection 2, a sheriff or a member of a police force may enter and search any place where he has reasonable and probable grounds for believing that the child may be with such assistance and such force as are reasonable in the circumstances. Entry and search

(6) An entry or a search referred to in subsection 5 shall be made only between sunrise and sunset unless the court, in the order, authorizes entry and search at another time. Time

45.—(1) Where there are reasonable and probable grounds for believing that a person entitled to access to a child or prohibited by court order or separation agreement from removing a child from Ontario proposes to remove the child from Ontario and is not likely to return the child to Ontario, upon application by a parent or any other person entitled to custody of or access to the child, a Order where child to be removed from Ontario

court, other than a provincial court (family division), in order to secure the prompt, safe return of the child, may order the respondent to do any one or more of the following:

1. Transfer specific property to a named trustee to be held subject to the terms and conditions specified in the order.
2. Where payments have been ordered for the support of the child, make the payments to a specified trustee.
3. Deposit specific security with the court or with a named trustee.
4. Deliver the respondent's passport, the child's passport and any other travel documents of either or both of them that the court may specify to the court or to an individual or body specified by the court.

Idem

(2) A provincial court (family division), in the circumstances and for the purpose set out in subsection 1, may make an order referred to in paragraph 4 of subsection 1.

Terms
and
conditions

(3) In an order under paragraph 1 of subsection 1, the court may specify terms and conditions for the return or the disposition of the property as the court considers appropriate.

Safekeeping

(4) A court or an individual or body specified by the court in an order under paragraph 4 of subsection 1 or under subsection 2 shall hold a passport or travel document delivered in accordance with the order in safekeeping in accordance with any directions set out in the order.

Directions

(5) In an order under subsection 1 or 2, a court may give such directions in respect of the safekeeping of the property, payments, security, passports or travel documents as the court considers appropriate.

Contempt
of orders
of provincial
court (family
division)

46.—(1) In addition to its powers in respect of contempt, every provincial court (family division) may punish by fine or imprisonment, or both, any wilful contempt of or resistance to its process or orders in respect of custody of or access to a child, but the fine shall not in any case exceed \$1,000 nor shall the imprisonment exceed ninety days.

Conditions
of
imprisonment

(2) An order for imprisonment under subsection 1 may be made conditional upon default in the performance of a condition set out in the order and may provide for the imprisonment to be served intermittently.

47.—(1) Where, upon application to a court, it appears to the court that, Information
as to
address

- (a) for the purpose of bringing an application for custody or access under this Part; or
- (b) for the purpose of the enforcement of an order for custody or access,

the proposed applicant or person in whose favour the order is made has need to learn or confirm the whereabouts of the proposed respondent or person against whom the order referred to in clause *b* is made, the court may order any person or public body to provide the court with such particulars of the address of the proposed respondent or person against whom the order referred to in clause *b* is made as are contained in the records in the custody of the person or body, and the person or body shall give the court such particulars as are contained in the records and the court may then give the particulars to such person or persons as the court considers appropriate.

(2) The giving of information in accordance with an order under subsection 1 shall be deemed for all purposes not to be a contravention of any Act or regulation or any common law rule of confidentiality. Compliance
with order

(3) This section binds the Crown in right of Ontario. Section
binds Crown

CUSTODY AND ACCESS—EXTRA-PROVINCIAL MATTERS

48. Upon application, a court, Interim
powers of
court

- (a) that is satisfied that a child has been wrongfully removed to or is being wrongfully retained in Ontario;
- (b) that has declined to exercise jurisdiction under section 32; or
- (c) that is asked to supersede an extra-provincial order in respect of custody of or access to a child and that is of the opinion that it is more appropriate for jurisdiction to be exercised outside Ontario,

may do any one or more of the following:

1. Make such interim order in respect of the custody or access as the court considers is in the best interests of the child.

2. Stay the application subject to,

- i. the condition that a party to the application promptly commence a similar proceeding before an extra-provincial tribunal, or
- ii. such other conditions as the court considers appropriate.

3. Order a party to return the child to such place as the court considers appropriate and, in the discretion of the court, order payment of the cost of the reasonable travel and other expenses of the child and any parties to or witnesses at the hearing of the application.

Enforcement
of foreign
orders

49.—(1) Upon application by any person in whose favour an order for the custody of or access to a child has been made by an extra-provincial tribunal, a court shall recognize the order if the court is satisfied,

- (a) that reasonable notice of the commencement of the proceeding in which the order was made was given to every person entitled to be a party to the proceeding;
- (b) that every person entitled to be a party to the proceeding was given an opportunity to be heard by the extra-provincial tribunal before the order was made;
- (c) that the law of the place in which the order was made required the extra-provincial tribunal to have regard for the best interests of the child;
- (d) that the order of the extra-provincial tribunal is not contrary to public policy in Ontario; and
- (e) that the jurisdiction of the extra-provincial tribunal is recognized as determined by the application of the rules in section 29, and, for the purpose, references in section 29 to “Ontario” shall be deemed to be references to the place where the extra-provincial tribunal has jurisdiction.

Effect of
recognition
of order

(2) An order made by an extra-provincial tribunal that is recognized by a court shall be deemed to be an order of the court and enforceable as such.

Conflicting
orders

(3) A court presented with conflicting orders made by extra-provincial tribunals for the custody of or access to a child that, but for the conflict, would be recognized and enforced by the court under subsection 1 shall recognize and enforce the order that

appears to the court to be most in accord with the best interests of the child.

(4) A court that has recognized an extra-provincial order may make such further orders under this Part as the court considers necessary to give effect to the order. Further orders

50. Upon application, a court by order may supersede an extra-provincial order in respect of custody of or access to a child where the court is satisfied that there has been a material change in circumstances that affects or is likely to affect the best interests of the child and, Superseding order, material change in circumstances

- (a) the child is habitually resident in Ontario at the commencement of the application for the order; or
- (b) although the child is not habitually resident in Ontario, the court is satisfied,
 - (i) that the child is physically present in Ontario at the commencement of the application for the order,
 - (ii) that the child no longer has a real and substantial connection with the place where the extra-provincial order was made,
 - (iii) that substantial evidence concerning the best interests of the child is available in Ontario,
 - (iv) that the child has a real and substantial connection with Ontario, and
 - (v) that, on the balance of convenience, it is appropriate for jurisdiction to be exercised in Ontario.

51. Upon application, a court by order may supersede an extra-provincial order in respect of custody of or access to a child if the court is satisfied that the child will suffer serious harm if, Superseding order, serious harm

- (a) the child remains in the custody of the person legally entitled to custody of the child;
- (b) the child is returned to the custody of the person entitled to custody of the child; or
- (c) the child is removed from Ontario.

52. A copy of an extra-provincial order certified as a true copy by a judge, other presiding officer or registrar of the tribunal that True copy of extra-provincial order

made the order or by a person charged with keeping the orders of the tribunal is *prima facie* evidence of the making of the order, the content of the order and the appointment and signature of the judge, presiding officer, registrar or other person.

GUARDIANSHIP

Appointment
of guardian

53.—(1) Upon application, by a parent of a child or any other person, a court may appoint a guardian for the child.

Responsibility
of guardian

(2) A guardian for a child has charge of and is responsible for the care and management of the property of the child.

Parents as
guardians

54.—(1) As between themselves and subject to any court order or any agreement between them, the parents of a child are equally entitled to be appointed by a court as guardians for the child.

Parent and
other person

(2) As between a parent of a child and a person who is not a parent of the child, the parent has a preferential entitlement to be appointed by a court as a guardian for the child.

More than
one guardian

(3) A court may appoint more than one guardian for a child.

Guardians
jointly
responsible

(4) Where more than one guardian is appointed for a child, the guardians are jointly responsible for the care and management of the property of the child.

Criteria

55. In deciding an application for the appointment of a guardian for a child, the court shall consider all the circumstances, including,

- (a) the ability of the applicant to manage the property of the child;
- (b) the merits of any plans proposed by the applicant for the care and management of the property of the child; and
- (c) the views and preferences of the child, where such views and preferences can reasonably be ascertained.

Effect of
appointment

56. The appointment of a guardian by a court under this Part has effect in all parts of Ontario.

Payment
of debt
due to
child

57.—(1) Where a person is under a duty to pay money or deliver personal property to a child and no guardian has been appointed for the child, the payment of not more than \$2,000 or the delivery of the personal property to a value of not more than \$2,000 in a year to,

- (a) the child, if the child is married;

(b) a parent with whom the child resides; or

(c) a person who has lawful custody of the child,

discharges the duty to the extent of the amount paid or the value of the personal property delivered.

(2) A receipt or discharge for money or personal property not in excess of the amount or value set out in subsection 1 received for a child by a parent with whom the child resides or a person who has lawful custody of the child has the same validity as if a court had appointed the parent or the person as a guardian for the child.

Receipt for
payment

(3) A parent with whom a child resides or a person who has lawful custody of a child who receives and holds money or personal property referred to in subsection 1 has the responsibility of a guardian for the care and management of the money or personal property.

Responsibility
for money
or property

58. A guardian for a child may be required to account or may voluntarily pass his accounts in respect of his care and management of the property of the child in the same manner as a trustee under a will may be required to account or may pass his accounts in respect of his trusteeship.

Accounts

59. A guardian for a child shall transfer to the child all property of the child in the care of the guardian when the child attains the age of eighteen years.

Transfer of
property to
child

60. A guardian for a child is entitled to payment of a reasonable amount for his fees for and expenses of management of the property of the child.

Management
fees and
expenses

61.—(1) A court that appoints a guardian for a child shall require the guardian to post a bond, with or without sureties, payable to the child in such amount as the court considers appropriate in respect of the care and management of the property of the child.

Bond by
guardian

(2) Subsection 1 does not apply where the court appoints a parent of a child as guardian for the child and the court is of the opinion that it is appropriate not to require the parent to post a bond.

Where parent
appointed
guardian

62. Upon application by a married child, the court that appointed a guardian for the child or a co-ordinate court by order shall end the guardianship for the child.

Where child
marries

63.—(1) A guardian for a child may be removed by a court for the same reasons for which a trustee may be removed.

Removal of
guardian

Resignation
of guardian

(2) A guardian for a child, with the permission of a court, may resign his office upon such conditions as the court considers appropriate.

Notice to
Surrogate
Clerk for
Ontario

64. A notice of every application to a court for appointment of a guardian shall be transmitted by the registrar or clerk of the court to the Surrogate Clerk for Ontario.

DISPOSITION OF PROPERTY

Supreme
Court
order re
property
of child

65.—(1) Upon application by the parent of a child or any other person, the Supreme Court by order may require or approve, or both,

- (a) the disposition or encumbrance of all or part of the interest of the child in land;
- (b) the sale of the interest of the child in personal property; or
- (c) the payment of all or part of any money belonging to the child or of the income from any property belonging to the child, or both.

Criteria

(2) An order shall be made under subsection 1 only where the Supreme Court is of the opinion that the disposition, encumbrance, sale or payment is necessary or proper for the support or education of the child or will substantially benefit the child.

Conditions

(3) An order under subsection 1 may be made subject to such conditions as the Supreme Court considers appropriate.

Limitation

(4) The Supreme Court shall not require or approve a disposition or encumbrance of the interest of a child in land contrary to a term of the instrument by which the child acquired the interest.

Execution
of
documents

(5) The Supreme Court, where it makes an order under subsection 1, may order that the child or another person named in the order execute any documents necessary to carry out the disposition, encumbrance, sale or payment.

Directions

(6) The Supreme Court by order may give such directions as it considers necessary for the carrying out of an order made under subsection 1.

Validity
of
documents

(7) Every document executed in accordance with an order under this section is as effectual as if the child by whom it was executed was eighteen years of age or, if executed by another person in accordance with the order, as if the child had executed it and had been eighteen years of age at the time.

(8) No person incurs or shall be deemed to incur liability by making a payment in accordance with an order under clause *c* of subsection 1. Liability

66.—(1) Upon application by or with the consent of a person who has an estate for life in property with power to devise or appoint the property to one or more of his children, the Supreme Court may order that such part of the proceeds of the property as the Supreme Court considers proper be used for the support, education or benefit of one or more of the children. Order for maintenance where power of appointment in favour of children

(2) An order may be made under subsection 1 whether or not, Idem

(a) there is a gift over in the event that there are no children to take under the power; or

(b) any person could dispose of the property in the event that there are no children to take under the power.

TESTAMENTARY CUSTODY AND GUARDIANSHIP

67.—(1) A person entitled to custody of a child may appoint by will one or more persons to have custody of the child after the death of the appointor. Custody, appointment by will

(2) A guardian for a child may appoint by will one or more persons to be guardians for the child after the death of the appointor. Guardianship, appointment by will

(3) An unmarried parent who is a minor may make an appointment mentioned in subsection 1 or 2 by a written appointment signed by the parent. Appointment by minor

(4) An appointment under subsection 1, 2 or 3 is effective only, Limitation

(a) if the appointor is the only person entitled to custody of the child or who is the guardian for the child, as the case requires, on the day immediately before the appointment is to take effect; or

(b) if the appointor and any other person entitled to custody of the child or who is the guardian for the child, as the case requires, die at the same time or in circumstances that render it uncertain which survived the other.

(5) Where two or more persons are appointed to have custody of or to be guardians for a child by appointors who die as mentioned in clause *b* of subsection 4, only the appointments of the persons appointed by both or all of the appointors are effective. Where more than one appointment

Consent of
appointee

(6) No appointment under subsection 1, 2 or 3 is effective without the consent of the person appointed.

Order by
surrogate
court

(7) Subject to subsections 4 to 6, upon application and proof of appointment a surrogate court shall make an order recognizing an appointment under subsection 1, 2 or 3.

Application
or order
under
ss. 28, 53

(8) An appointment under this section does not apply to prevent an application for or the making of an order under section 28 or 53.

Application

(9) This section applies in respect of,

(a) any will made on or after the day this section comes into force; and

(b) any will made before the day this section comes into force, if the testator is living on the day this section comes into force.

PROCEDURE

Joinder of
proceedings
1978, c. 2

68.—(1) An application under this Part may be made in the same proceeding and in the same manner as an application under *The Family Law Reform Act, 1978*, or in another proceeding.

Nature
of order

(2) An application under this Part may be an original application or for the variance of an order previously given or to supersede an order of an extra-provincial tribunal.

Parties

(3) The parties to an application under this Part in respect of a child shall include,

(a) the mother and the father of the child;

(b) a person who has demonstrated a settled intention to treat the child as a child of his or her family;

(c) a person who had the actual care and upbringing of the child immediately before the application; and

(d) any other person whose presence as a party is necessary to determine the matters in issue.

Combining
of
applications

(4) Where, in an application under this Part, it appears to the court that it is necessary or desirable in the best interests of the child to have other matters first or simultaneously determined, the court may direct that the application stand over until such other proceedings are brought or determined as the court considers appropriate, subject to section 33.

(5) Where there is no presumption of paternity and the identity of the father is not known or is not reasonably capable of being ascertained, the court may order substituted service or may dispense with service of documents upon the father in the proceeding.

Where identity of father not known

69.—(1) A minor who is a spouse may make an application under this Part without a next friend and may respond without a guardian *ad litem*.

Application or response by minor

(2) A consent in respect of a matter provided for by this Part is not invalid by reason only that the person giving the consent is a minor.

Consent by minor

70.—(1) In considering an application under this Part, a court where possible shall take into consideration the views and preferences of the child to the extent that the child is able to express them.

Child entitled to be heard

(2) The court may interview the child to determine the views and preferences of the child.

Interview by court

(3) The interview shall be recorded.

Recording

(4) The child is entitled to be advised by and to have his counsel, if any, present during the interview.

Counsel

71. Nothing in this Part abrogates the right of a child of sixteen or more years of age to withdraw from parental control.

Where child is sixteen or more years old

72. Except as otherwise provided, where an application is made to a court under this Part, no person who is a party to the proceeding shall make an application under this Part to any other court, but the court may order that the proceedings be transferred to a court having other jurisdiction where, in the opinion of the court, the court having other jurisdiction is more appropriate to determine the matters in issue that should be determined at the same time.

All proceedings in one court

73. The court may exclude the public from a hearing, or any part thereof, where, in the opinion of the presiding judge, the desirability of protecting against the consequences of possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public and the court by order may prohibit the publication of any matter connected with the application or given in evidence at the hearing.

Closed hearings

Consent orders	74.—(1) Upon the consent of the parties in an application under this Part, the court may make any order that the court is otherwise empowered to make by this Part, subject to the duty of the court to have regard to the best interests of the child.
Incorporation of contract in order 1978, c. 2	(2) Any matter provided for in this Part and in a domestic contract as defined in <i>The Family Law Reform Act, 1978</i> may be incorporated in an order made under this Part.
Part subject to contracts	75. Where a domestic contract as defined in <i>The Family Law Reform Act, 1978</i> makes provision in respect of a matter that is provided for in this Part, the contract prevails except as otherwise provided in Part IV of <i>The Family Law Reform Act, 1978</i> .
Jurisdiction of Supreme Court	76. This Part does not deprive the Supreme Court of its <i>parens patriae</i> jurisdiction.
Surrogate court	77. Where, in a proceeding in respect of an estate, an issue arises with respect to the custody of, access to or guardianship of the property of a child, a surrogate court may exercise the jurisdiction of a court under this Part.
Order made under R.S.O. 1970, c. 222	78. An application to vary an order made by a surrogate court under <i>The Infants Act</i> shall be made to a county or district court.
Place where application to be made	79.—(1) Subject to subsections 2 and 3, an application under this Part in a provincial court (family division) or a county or district court shall be made in the judicial district in which the child resides.
Idem, application for interim order	(2) An application for an interim order shall be made to the court in which the original proceeding was taken.
Idem, application to vary order	(3) An application under this Part to vary an order may be made to the court in which the original proceeding was taken or to a co-ordinate court in another part of Ontario.
Interim order	80. In a proceeding under this Part, the court may make such interim order as the court considers appropriate.
Appeal from provincial court (family division)	81. An appeal from an order of a provincial court (family division) under this Part lies to the county or district court in the county or district in which the provincial court (family division) is situated.
Order effective pending appeal	82. An order under this Part is effective notwithstanding that an appeal is taken from the order, unless the court that made the order or the court to which the appeal is taken orders otherwise.
Rule of construction	83.—(1) For the purposes of construing any instrument, Act or regulation, unless the contrary intention appears, a reference to a

guardian with respect to the person of a child shall be construed to refer to custody of the child and a reference to a guardian with respect to property of a child shall be construed to refer to guardianship for the child.

(2) Subsection 1 applies to any instrument, any Act of the Legislature or any regulation, order or by-law made under an Act of the Legislature enacted or made before, on or after the day this section comes into force. Application

84. This Part applies to an outstanding order for custody of or access to a child made under *The Infants Act* (repealed by section 3 of *The Children's Law Reform Amendment Act, 1980*), *The Family Law Reform Act, 1978* or *The Deserted Wives' and Children's Maintenance Act* (repealed by *The Family Law Reform Act, 1978*) as if the order were made under this Part. Application of Part to order under R.S.O. 1970, cc. 222, 128, 1978, c. 2

COMPLEMENTARY AMENDMENTS

2.—(1) Subsection 1 of section 20 of *The Family Law Reform Act, 1978*, being chapter 2, is amended by striking out “or custody” in the third line. 1978, c. 2, s. 20 (1), amended

(2) Clause *b* of subsection 1 of section 26 of the said Act is amended by striking out “custody or access” in the second line. s. 26 (1) (b), amended

(3) Section 35 of the said Act is repealed and the following substituted therefor: s. 35, re-enacted

35. An application for custody or access under *The Children's Law Reform Act, 1977* may be joined with an application under this Act, but the court may direct that an application for support stand over until an application for custody has been determined. Joinder of actions 1977, c. 41

3.—(1) *The Infants Act*, being chapter 222 of the Revised Statutes of Ontario, 1970, is repealed. R.S.O. 1970, c. 222, repealed

(2) Paragraph 14 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98, is repealed. 1971, c. 98, Sched., par. 14, repealed

(3) Section 18 of *The Children's Law Reform Act, 1977*, being chapter 41, is repealed. 1977, c. 41, s. 18, repealed

(4) Where an application is made under *The Infants Act* or under section 35 of *The Family Law Reform Act, 1978* before subsection 1 comes into force and no evidence has been heard in the proceeding before subsection 1 comes into force, other than in respect of an interim order, the application shall be deemed to be an application under *The Children's Law Reform Act, 1977* subject to such directions as the court considers appropriate. Application of subs. 1 to proceeding already commenced 1978, c. 2 1977, c. 41

Where
proceeding
in surrogate
court

- (5) Where an application referred to in subsection 4 is commenced in a surrogate court, the county or district court that has jurisdiction or, in the Judicial District of Hamilton-Wentworth, the Unified Family Court may order that the proceeding be removed to such county or district court or to the Unified Family Court, as the case may be, subject to such directions as the court considers appropriate.

R.S.O. 1970,
c. 265,
s. 6 (1-5, 7-11);
1972, c. 50,
s. 1,
repealed

- 4.—(1) Subsections 1 to 5 and 7 to 11 of section 6 of *The Matrimonial Causes Act*, being chapter 265 of the Revised Statutes of Ontario, 1970, and section 1 of *The Matrimonial Causes Amendment Act, 1972*, being chapter 50, are repealed.

s. 11,
amended

- (2) Section 11 of the said Act is amended by striking out “*Divorce Act (Ontario) (Canada)*” in the first and second lines and inserting in lieu thereof “*Annulment of Marriages Act (Ontario) (Canada)*”.

1976, c. 85,
Sched.,
amended

5. The Schedule to *The Unified Family Court Act, 1976*, being chapter 85, as re-enacted by the Statutes of Ontario, 1977, chapter 4, section 6, is amended by adding thereto the following:

“*The Children’s Law
Reform Act, 1977*

All”

Commence-
ment

6. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

7. The short title of this Act is *The Children’s Law Reform Amendment Act, 1980*.

An Act to amend
The Children's Law Reform Act, 1977

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

THE HON. R. McMURTRY
Attorney General

(Government Bill)

3
17 BILL 141

Government Bill

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980 *27 September 1980*

An Act to amend The Fire Marshals Act

THE HON. R. MCMURTRY
Solicitor General



EXPLANATORY NOTE

The Bill provides for the establishment of a code governing fire safety standards.

BILL 141

1980

An Act to amend The Fire Marshals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Fire Marshals Act*, being chapter 172 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clause:

(aa) “fire code” means the regulations made under section 19a.

- 2.—(1) Subsection 2 of section 19 of the said Act is amended by inserting after “property” in the tenth line “or that a provision of the fire code is being contravened”.

- (2) The said section 19 is amended by adding thereto the following subsection:

(17) *The Building Code Act, 1974* and the regulations thereunder do not apply in respect of repairs, alterations and installations carried out pursuant to an order made under this section.

3. The said Act is amended by adding thereto the following section:

19a.—(1) The Lieutenant Governor in Council may make such regulations as are considered advisable or necessary for the purpose of establishing a fire code for Ontario governing fire safety standards for buildings, other structures and premises including, but without limiting the generality of the foregoing, regulations,

- (a) prescribing any method, matter or thing relating to fire prevention and fire protection;
- (b) requiring and regulating fire prevention and fire protection equipment and systems;

- (c) requiring and regulating means of egress, fire separations, finish materials, furnishings and decorations, standards of housekeeping and heating, ventilation, air conditioning and incinerating equipment and systems;
- (d) controlling or prohibiting any material, substance, equipment or system affecting fire safety;
- (e) requiring and regulating procedures respecting fire safety and the keeping and furnishing of records and reports;
- (f) requiring the approval of the Fire Marshal in respect of any method, matter or thing;
- (g) requiring notice to be given to the Fire Marshal respecting any change in use or occupancy;
- (h) prescribing conditions for use, occupation or demolition;
- (i) exempting any class of building, other structure or premises from compliance with the regulations or any provision thereof, and attaching terms and conditions to such exemptions;
- (j) adopting by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code or standard and requiring compliance with any code or standard that is so adopted;
- (k) prescribing forms and providing for their use.

Limitation
of application

(2) Any regulation made under this section may be limited in its application territorially or to any class of building, other structure or premises or to any building, other structure or premises used for any specified purpose.

Offence

(3) Every person who contravenes any provision of the fire code and every director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

Idem

(4) Where a corporation is convicted of an offence under subsection 3, the maximum penalty that may be imposed upon the corporation is \$10,000 and not as provided therein.

s. 26 (f-h),
repealed

4. Clauses *f*, *g* and *h* of section 26 of the said Act are repealed.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is *The Fire Marshals Amendment Act, 1980*.

An Act to amend
The Fire Marshals Act

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Solicitor General

(Government Bill)

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4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO,
29 ELIZABETH II, 1980 ²*Thompson*

**An Act to provide for the
Designation and Retention of Foodlands**

MR. SWART



EXPLANATORY NOTE

This Bill provides for the classification of Ontario agricultural foodlands into classifications 1 to 4 of the *Agricultural and Rural Development Act* (Canada) and for the surveying, designation and preservation of such foodlands.

BILL 142

1980

An Act to provide for the Designation and Retention of Foodlands

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “agricultural land” means any land available for any agricultural use, whether or not it is used for such purpose;
- (b) “designated municipality” means a designated municipality as defined in *The Planning Act*, or a regional municipality; R.S.O. 1970,
c. 349
- (c) “foodland” includes,
 - (i) any agricultural land included in categories one to four inclusive of the classification prepared pursuant to subsection 2 of section 3 of the *Agricultural and Rural Development Act* (ARDA) (Canada) and contained in Canada Land Inventory—soil capability for agricultural series, and R.S.C. 1970,
c. A-4
 - (ii) any special crop lands;
- (d) “Minister” means the Minister of Housing or such other member of the Executive Council to whom the administration of *The Planning Act* is assigned;
- (e) “planning area” means a planning area as defined in *The Planning Act*;
- (f) “planning authority” means a planning board established under *The Planning Act* or a regional council where no planning board exists for a regional planning area.

Duties of
planning
authority

2. Every planning authority shall, within two years following proclamation of this Act,

- (a) survey and classify all agricultural land situate within the planning area in accordance with the classifications established and defined in studies and maps prepared pursuant to the *Agricultural and Rural Development Act (ARDA)* (Canada);
- (b) prepare a plan designating as foodlands those areas which can be defined as such and recommend such plan to the council of the designated municipality for adoption;
- (c) develop planning criteria primarily designed to promote retention and protection of foodlands but which will permit non-agricultural use where justified.

R.S.C. 1970,
c. A-4

Duty of
council upon
receipt of
planning
authority
recommen-
dation

3. The council of a designated municipality shall, when it receives the recommendation from the planning authority, adopt the plan by by-law.

Where
agricultural
land not in a
planning area
or is in a
territory
without
municipal
organization

4. Where agricultural land is situate in an area that has not been defined as a planning area or is in a territory without municipal organization, the Minister shall define and name a planning area and may appoint a planning board for the planning area.

Limitation
re non-
agricultural
use

5. No agricultural land, which, prior to the completion of a planning study pursuant to section 2 is likely to be defined as foodland, may be authorized for a non-agricultural use without the specific recommendation of the planning authority.

Minister's
authority
re foodlands
programs

6. The Minister may cause to be prepared and undertaken, directly or in co-operation with any municipality, programs of research and investigation respecting the use, retention, protection and economic development of foodlands in that municipality.

Commence-
ment

7. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

8. The short title of this Act is *The Foodlands Protection Act, 1980*.

BILL 142

An Act to provide for the
Designation and Retention of
Foodlands

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

MR. SWART

(Private Member's Bill)

220N
3
506

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Condominium Act, 1978

MR. PHILIP



EXPLANATORY NOTE

The purpose of the Bill is to provide for a Registrar of Condominiums and to provide a procedure for resolving disputes between condominium corporations and condominium owners. The Bill repeals provisions in *The Condominium Act, 1978* establishing a condominium bureau for purposes set out in the repealed section. The Registrar is given authority to license persons to manage properties and to approve declarations. If the Registrar refuses to grant a licence or give an approval, the Bill sets out procedures for review of the Registrar's decision. The Bill also provides for the appointment of review officers to assist in the resolution of disputes between a condominium corporation and an owner or between two or more owners. The Bill sets out procedures for review of the review officer's decision.

BILL 143

1980

An Act to amend The Condominium Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 56 of *The Condominium Act, 1978*, being chapter 84, is ^{s. 56,} repealed and the following substituted therefor: ^{re-enacted}

56.—(1) There shall be a registrar of condominiums who shall ^{Registrar} be appointed by the Lieutenant Governor in Council.

(2) The registrar of condominiums may exercise the powers and ^{Powers} shall perform the duties conferred or imposed upon him by or under this Act.

(3) The registrar shall, ^{Duties}

(a) provide an information and advisory service to purchasers of condominium units for residential purposes and issue information pamphlets in such languages as the registrar considers necessary; and

(b) make available to the public such information in respect of declarance as is available to the registrar.

(4) No declaration shall be registered that is not approved by ^{Prohibition} the registrar.

(5) No person shall enter into an agreement to manage a prop- ^{Licence} erty unless he is the holder of a licence issued by the registrar.

(6) No person shall enter into an agreement of purchase and ^{Agreements} sale for a proposed unit for the residential premises as a vendor where the agreement provides for a deposit to be held by the vendor pending approval of the declaration by the registrar, and where such an agreement is made, it is voidable at the option of the purchaser.

Issuance
of
licences

(7) The registrar shall issue licences to manage properties and an applicant for a licence is entitled to a licence or renewal of licence except where,

- (a) having regard to his financial position the applicant cannot be reasonably expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty; or
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with the law and with integrity and honesty; or
- (d) the applicant is carrying on activities that are or will be, if the applicant is licensed, in contravention of this Act or the regulations.

Approval of
declaration

(8) A proposed declarant is entitled to have his declaration approved by the registrar except where,

- (a) having regard to his financial position, the proposed declarant cannot reasonably be expected to be financially responsible in the conduct of his business; or
- (b) the past conduct of the proposed declarant affords reasonable grounds for belief that he will not carry on business in accordance with the law and with integrity and honesty; or
- (c) the proposed declarant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be financially responsible in the conduct of its business, or
 - (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its business will not be carried on in accordance with the law and with integrity and honesty; or

- (d) the proposed declarant is carrying on activities that are in contravention of this Act or the regulations.

(9) Subject to subsection 11, the registrar may refuse to issue a licence to an applicant or to approve a declaration where in the registrar's opinion the applicant or proposed declarant is disentitled to registration or approval under subsection 7 or 8. Refusal of licence or approval

(10) Subject to subsection 11, the registrar may refuse to renew or may suspend or revoke a licence for any reason that would disentitle the licensee to a licence under subsection 7 if he were an applicant or where the licence is in breach of a term or condition of the licence. Idem

(11) Where the registrar proposes, Notice of proposal

- (a) to refuse to approve a declaration;
- (b) to refuse to grant or renew a licence; or
- (c) to suspend or revoke a licence, he shall serve notice of his proposal together with written reasons therefor on the proposed declarant, applicant or licensee, as the case may be.

(12) A notice under subsection 11 shall inform the proposed declarant, applicant or licensee that he is entitled to a hearing by the tribunal if he mails or delivers, within fifteen days after the notice under subsection 11 is served on him, notice in writing requiring a hearing to the registrar and the tribunal, and he may so require such a hearing. Hearing

(13) Where a proposed declarant, applicant or licensee does not require a hearing by the tribunal in accordance with subsection 12, the registrar may carry out the proposal stated in his notice under subsection 11. Where hearing not required

(14) Where a proposed declarant, applicant or licensee requires a hearing by the tribunal in accordance with subsection 12, the tribunal shall appoint a time for and hold the hearing, and on the application of the registrar at the hearing may, by order, direct the registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the tribunal considers the registrar ought to take in accordance with this Act and the regulations, and for such purposes the tribunal may substitute its opinion for that of the registrar. Hearing

(15) The tribunal may attach such terms and conditions to its order or to the licence as it considers proper to give effect to the purpose of this Act. Terms and conditions

Parties	(16) The registrar, the proposed declarant, applicant or licensee who has required a hearing and such other persons as the tribunal may specify are parties to the proceedings before the tribunal under this section.
Continuation of registration	<p>(17) Where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his registration shall be deemed to continue,</p> <p>(a) until renewal is granted; or</p> <p>(b) where he is served with notice that the registrar proposes to refuse to grant the renewal until the time for giving notice requiring a hearing has expired and where a hearing is required until the tribunal has made its order.</p>
Rescission of agreement	(18) Where a declaration is submitted to the registrar for approval and approval is refused, every purchaser under an agreement of purchase and sale of a proposed unit for residential purposes within the property referred to in the declaration may rescind the agreement.
Notice of purchaser's rights	(19) Where the proposed declarant enters into an agreement of purchase and sale for a proposed unit for residential purposes, the proposed declarant shall give to the purchaser under the agreement a written notice of the purchaser's rights under subsection 5.
Disclosure statement	(20) Every proposed declarant who intends to sell proposed units for residential purposes shall file with the registrar at the time that the declaration is submitted to the registrar for approval a disclosure statement containing the information set out in section 52 (6).
Complaints	(21) Where the registrar receives a complaint in respect of the declarant or a person licensed to manage a property and so requests in writing, the person receiving the request shall furnish the registrar with such information respecting the matter complained of as the registrar requires.
Filing of material	(22) Every declarant shall file with the registrar the material set out in clauses <i>f</i> , <i>g</i> , <i>h</i> and <i>i</i> of section 26 (3) prior to the meeting under section 26 (1).
Inspections	(23) The registrar or any person designated by him in writing may at any reasonable time enter upon the business premises of a declarant, proposed declarant or a person licensed to manage properties to make an inspection to ensure that the provisions of this Act and the regulations are being complied with.

2. Section 57 of the said Act is repealed and the following substituted therefor: s. 57,
re-enacted

57.—(1) The Lieutenant Governor in Council shall appoint review officers who shall perform the duties and exercise the powers given to them by this Act and the regulations and the officers so appointed shall be civil servants within the meaning of *The Public Service Act*. Review
officers

R.S.O. 1970,
c. 386

(2) Where there is a dispute between a corporation and an owner or between two or more owners in respect of any matter relating to this Act, the declaration, by-laws or rules, any party to the dispute may, prior to the commencement of any court proceeding in respect of the same matter, refer the matter in dispute to the tribunal for resolution and shall notify all other parties affected. Reference
to
tribunal

(3) Within fourteen clear days after the matter has been referred to the tribunal, the tribunal shall give written notice to all parties of the date, time and place for the consideration of the matter in dispute and shall designate a review officer to hear the matter in dispute. Written
notice

(4) For the purpose of a hearing under subsection 3, the review officer may inquire into any matter relevant to the subject-matter of the dispute, whether or not previously brought to his attention by the parties. Inquiry
by review
officer

(5) Upon completing the hearing, the review officer may make an order ordering any party to the hearing to do or to refrain from doing any act that is the subject-matter of the hearing. Order
by review
officer

(6) An order under subsection 5 shall state that every party to the hearing is entitled to appeal the order to the tribunal and shall specify the place where the appeal may be filed. Appeal to
tribunal

(7) On the request of any party to the hearing, the review officer shall file a copy of any order made by him under subsection 5 in the office of the registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971*, that applies thereto. Filing
copy of
order
1971, c. 47

(8) Except as provided in subsection 7, *The Statutory Powers Procedure Act, 1971*, does not apply to proceedings before the review officer. Application
of
1971, c. 47

(9) Every party to a hearing may appeal a review officer's order by filing a notice of appeal with the tribunal within twenty-one days after being served with notice of the review officer's order. Notice of
appeal

(10) On an appeal, the tribunal may proceed by way of a hearing *de novo* and, after the hearing, the tribunal may make any Powers of
tribunal

order it considers just and equitable and for such purposes the tribunal shall substitute its order for that of the review officer.

Advisory
committee

(11) The registrar may appoint a provincial advisory committee to advise him in matters relating to condominiums.

Membership
of
committee

(12) The provincial advisory committee shall consist of seven members made up of not fewer than four members who represent owners of units for residential purposes.

Terms of
office

(13) The members of the provincial advisory committee shall be appointed for terms of one, two or three years and, having served a term, shall not be reappointed for at least two years.

Vacancy

(14) When a vacancy occurs on the provincial advisory committee during a term of office, the registrar may fill the vacancy for the unexpired portion of the term.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Condominium Amendment Act, 1980*.

An Act to amend
The Condominium Act, 1978

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

MR. PHILIP

(Private Member's Bill)

3
BILL 144

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Municipal Act

MR. PHILIP



EXPLANATORY NOTE

The purpose of the Bill is to place a municipality under a duty to negotiate with a condominium corporation, at the request of the condominium corporation, for the purpose of concluding an agreement concerning the maintenance and repair of roads on the condominium property, and snow removal, and other matters referred to in paragraph 62*a* of subsection 1 of section 354 of the Act.

BILL 144

1980

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 62a of subsection 1 of section 354 of *The Municipal Act*, s. 354 (1), being chapter 284 of the Revised Statutes of Ontario, 1970, as par. 62a, amended enacted by the Statutes of Ontario, 1978, chapter 101, section 4, is amended by adding thereto the following clause:

(b) Upon the request of a condominium corporation, a municipality shall negotiate with the condominium corporation for the purpose of concluding an agreement referred to in this paragraph.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Municipal Amendment Act, 1980*. Short title

An Act to amend The Municipal Act

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

MR. PHILIP

(Private Member's Bill)

A27N
B
B56

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to ensure the Regeneration and Reforestation
of Forests in Ontario

MR. FOULDS



EXPLANATORY NOTE

The purpose of the Bill is to require the Ministry of Natural Resources to prepare a forest resource analysis and forest resource program at regular intervals to assist in ensuring the wise management of forest resources in Ontario.

BILL 145

1980

An Act to ensure the Regeneration and Reforestation of Forests in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Minister" means the Minister of Natural Resources;
- (b) "Ministry" means the Ministry of Natural Resources.

2.—(1) Not later than the 31st day of October, 1980, the Minister shall prepare and submit to the Lieutenant Governor in Council a forest resource analysis containing,

Forest
resource
analysis

- (a) a description of the inventory of the forest resources in Ontario;
- (b) a description of the location and extent of areas of forest land in Ontario that,
 - (i) have been denuded of timber through harvesting or otherwise and have not been restocked with commercially valuable species of timber, or
 - (ii) are producing timber at a rate that is substantially lower than their potential;
- (c) a description of the programs of the Ministry respecting public and private forest management, protection, conservation, investment and research;
- (d) an analysis of trends in and a forecast of,
 - (i) domestic and international demand for and uses of the forest resources in Ontario and products manufactured therefrom, and

(ii) the supply of the forest resources in Ontario and products manufactured therefrom in relation to the supply from areas outside Ontario; and

(e) a summary of developments in and questions of public policy that are expected to influence significantly and to affect the use, ownership, licensing and management of forest resources.

Subsequent
analyses

(2) An analysis referred to in subsection 1 shall be prepared and submitted to the Lieutenant Governor in Council at least once in every ten year period following the date that the initial analysis is prepared and submitted.

Forest
resource
program

3.—(1) Not later than the 31st day of October, 1980, the Minister shall prepare and submit to the Lieutenant Governor in Council a forest resource program containing,

(a) a presentation of the alternatives available for re-stocking forest land, for increasing the productivity of forest land, and for otherwise improving forest resources in Ontario, identifying,

(i) the estimated capital and current expenditures associated with each alternative,

(ii) the estimated effect of each alternative on the productivity of the resources,

(iii) the estimated direct and indirect economic and social benefits and costs associated with each alternative, and

(iv) an assessment of the priorities that should be given to each alternative; and

(b) a program recommended to be implemented by the Ministry during the five year period beginning on the 1st day of April, 1981, for re-stocking forest land, for increasing the productivity of forest land, and for otherwise improving forest resources in Ontario, including,

(i) a schedule for implementing the program,

(ii) the method to be used and priorities adopted for implementing the program, and

(iii) the respective roles to be played by the Crown and the private sector in implementing the program.

(2) A program referred to in subsection 1 shall be prepared and submitted to the Lieutenant Governor in Council at least once in every five year period following the date that the initial program is prepared and submitted. Subsequent programs

4. When the Minister submits a forest resource analysis and forest resource program to the Lieutenant Governor in Council, the Minister shall lay a copy of the analysis or program before the Assembly if it is in session or, if not, at the commencement of the next ensuing session. Tabling in Assembly

5.—(1) The Minister shall submit to the Lieutenant Governor in Council an annual report concerning the work performed by the Ministry in respect of the forest resource analysis and forest resource program referred to in sections 2 and 3 and the Minister shall then lay a copy of the report before the Assembly if it is in session or, if not, at the commencement of the next ensuing session. Annual report

(2) The annual report shall include, Idem

- (a) a review of the forest resource program then in effect, a statement of the expenditures incurred to implement it, an assessment of the effect it has had on the productivity of forest resources in the Province and an analysis of the direct and indirect economic and social benefits and costs associated with its implementation; and
- (b) a summary of forest land in the Province, showing areas denuded of forest during the year, areas re-stocked during the year and areas the productivity of which has been improved during the year.

6. This Act comes into force on the day it receives Royal Assent. Commencement

7. The short title of this Act is *The Forest Resource Management Act, 1980*. Short title

An Act to ensure the Regeneration and
Reforestation of Forests in Ontario

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

MR. FOULDS

(Private Member's Bill)

856
4TH SESSION, 31ST LEGISLATURE, ¹⁵ONTARIO
29 ELIZABETH II, 1980 *Legislative Assembly*

An Act to amend The Residential Tenancies Act, 1979

MR. PHILIP



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to require that the Appeal Commissioners under *The Residential Tenancies Act, 1979* consist of an equal number of representatives of landlords and tenants.

BILL 146

1980

**An Act to amend
The Residential Tenancies Act, 1979**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 76 of *The Residential Tenancies Act, 1979*, being chapter 78, is repealed and the following substituted therefor: s. 76,
re-enacted

76.—(1) The Lieutenant Governor in Council shall appoint as Appeal Commissioners a chairman, one or more vice-chairmen and as many other persons equal in number representative of landlords and tenants as the Lieutenant Governor in Council considers appropriate. Appeal
Commis-
sioners

(2) The chairman or a vice-chairman, one member representative of landlords and one member representative of tenants constitute a quorum of the Appeal Commissioners. Quorum

- 2.** This Act comes into force on the day it receives Royal Assent. Commence-
ment
- 3.** The short title of this Act is *The Residential Tenancies Amendment Act, 1980*. Short title

An Act to amend
The Residential Tenancies Act, 1979

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

MR. PHILIP

(Private Member's Bill)

20N

656

3

19 BILL 147

Government
Publications

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Residential Tenancies Act, 1979

MR. PHILIP



TORONTO

PRINTED BY J. C. HATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

The purpose of the Bill is to make several amendments to Part IX of the Act governing the procedure of the Residential Tenancy Commission.

SECTION 1. Section 1 of the Bill contains an amendment to the Act that requires the Commission, when determining the real merits and justice of the case before it, to have regard to the interests of the tenants residing in residential premises that are maintained in good repair and fit for habitation.

SECTION 2. Clause *a* of subsection 3 of section 103 of the Act states that a Commissioner is not disqualified from holding a hearing and determining a matter by reason only of the fact that the Commissioner attempted to assist the parties to the proceeding in settling the matter by agreement. This provision is repealed.

SECTION 3. The proposed subsection 2 of section 108 of the Act requires the Commission to give two days notice to the parties before conducting an inspection under section 108 and to give the parties the opportunity to attend on the inspection.

BILL 147

1980

An Act to amend The Residential Tenancies Act, 1979

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 93 of *The Residential Tenancies Act, 1979*, being chapter 78, is repealed and the following substituted therefor: s. 93 (2),
re-enacted
 - (2) In determining the real merits and justice of the case, the Commission shall ascertain the real substance of all transactions and activities relating to the residential complex and the good faith of the participants and, in doing so, Commission
to ascertain
substance of
transactions
and activities,
etc.
 - (a) may disregard the outward form of the transactions or the separate corporate existence of the participants; and
 - (b) may have regard to the pattern of activities relating to the residential complex; and
 - (c) shall have regard to the interests of the tenants residing in residential premises that are maintained in good repair and fit for habitation and in compliance with the by-laws of the municipality in which the premises are situated.
2. Clause *a* of subsection 3 of section 103 of the said Act is repealed. s. 103 (3) (a),
repealed
3. Section 108 of the said Act is amended by adding thereto the following subsection: s. 108,
amended
 - (2) Where the Commission proposes to conduct an inspection, the Commission shall notify the parties to the hearing at least two days before the inspection is to take place and shall give the parties the opportunity to attend on the inspection. Notice of
inspection
4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
5. The short title of this Act is *The Residential Tenancies Amendment Act, 1980*. Short title

BILL 147

An Act to amend
The Residential Tenancies Act, 1979

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

MR. PHILIP

(Private Member's Bill)

A24N
3
1856

3

Government
Publications

17

BILL 148

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Enrolled in House of Commons

An Act to amend The Juries Act, 1974

MR. MCGUIGAN



EXPLANATORY NOTE

The purpose of the Bill is to remove the prohibition against blind persons serving as jurors under *The Juries Act, 1974*.

BILL 148

1980

An Act to amend The Juries Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 4 of *The Juries Act, 1974*, being chapter 63, is s. 4 (a),
re-enacted repealed and the following substituted therefor:
 - (a) is infirm or has a physical infirmity incompatible with the discharge of the duties of a juror, but blindness shall not be considered to be an infirmity incompatible with the discharge of the duties of a juror.
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Juries Amendment Act, 1980*. Short title

An Act to amend The Juries Act, 1974

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

MR. MCGUGAN

(Private Member's Bill)

A29N
B
356

Publication

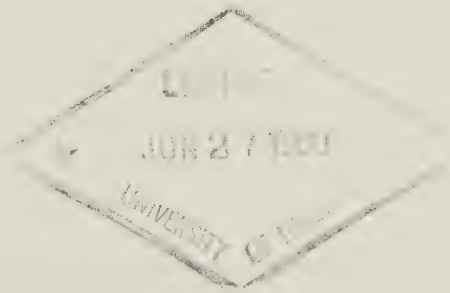
BILL 149

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980 *74-20-11-11-11*

An Act to amend The Health Disciplines Act, 1974

MR. MCGUIGAN



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to constitute podiatrists as a self-governing profession under *The Health Disciplines Act, 1974*.

BILL 149

1980

An Act to amend The Health Disciplines Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Health Disciplines Act, 1974*, being chapter 47, is amended by adding thereto the following Part:

PART VII

PODIATRY

168a.—(1) In this Part,

Interpre-
tation

- (a) “by-laws” means the by-laws made under this Part;
- (b) “College” means the College of Podiatry of Ontario;
- (c) “Council” means the Council of the College;
- (d) “licence” means a licence for the practice of podiatry issued under this Part;
- (e) “member” means member of the College;
- (f) “podiatrist” means a person who is licensed under this Part to engage in the practice of podiatry;
- (g) “practice of podiatry” means the diagnosis and treatment by medical, surgical, physical and mechanical means of ailments, diseases, defects, deformities and manifestations of systemic and non-systemic diseases affecting the human foot;
- (h) “Registrar” means the Registrar of the College.

(2) The practice of podiatry is a health discipline to which this Part applies.

Health
discipline

College of
Podiatry of
Ontario

168*b*.—(1) The College of Podiatry of Ontario is a body corporate without share capital with power to acquire, hold and dispose of real and personal property for the purposes of this Part.

Objects

(2) The objects of the College are,

- (a) to regulate the practice of podiatry and to govern its members in accordance with this Act, the regulations and the by-laws;
- (b) to establish, maintain and develop standards of knowledge and skill among its members;
- (c) to establish, maintain and develop standards of qualification and practice for the practice of podiatry;
- (d) to establish, maintain and develop standards of professional ethics among its members;
- (e) to administer this Part and perform such other duties and exercise such other powers as are imposed or conferred on the College by or under any Act,

in order that the public interest may be served and protected.

Membership

168*c*.—(1) Every person licensed by the College is a member of the College subject to any term, condition or limitation to which the licence is subject.

Resignation

(2) A member may resign his membership by filing with the Registrar his resignation in writing and his licence is thereupon cancelled subject to the continuing jurisdiction of the College in respect of any disciplinary action arising out of his professional conduct while a member.

Cancellation
for default
of fees

(3) The Registrar may cancel a licence for non-payment of any prescribed fee after giving the member at least sixty days notice of the default and intention to cancel subject to the continuing jurisdiction of the College in respect of any disciplinary action arising out of his professional conduct as a member.

Council of
the College

168*d*.—(1) The Council of the College shall be the governing body and board of directors of the College and shall manage and administer its affairs.

Composition
of Council

(2) The Council shall be composed of,

- (a) not fewer than two and not more than four persons who are not members of a Council under this Act or registered or licensed under this Act or any other Act governing a

health practice, and are appointed by the Lieutenant Governor in Council; and

- (b) not fewer than ten and not more than twelve persons who are members and are elected by the members in the manner provided by the regulations.

(3) The appointment of every person appointed under subsection 2 expires at the first regular meeting of the Council following the election of members to Council held next after the effective date of his appointment, and a person whose appointment expires is eligible for reappointment. Expiration of appointment

(4) Every member who is, Qualifications to vote

- (a) resident in Ontario;

- (b) licensed to practise podiatry in Ontario; and

- (c) not in default of payment of the prescribed annual fee,

is qualified to vote at an election of members of the Council.

(5) The Council shall elect annually a President and Vice-President from among its members. President,
Vice-President

(6) The Council shall appoint at its pleasure a Registrar and such other officers and servants as may from time to time be necessary or desirable in the opinion of the Council to perform the work of the College. Registrar

(7) A majority of the members of the Council constitutes a quorum. Quorum

(8) The four members of the Board of Regents who were appointed under *The Chiropody Act*, being chapter 70 of the Revised Statutes of Ontario, 1970 who were in office immediately before this Part comes into force and who were registered as practitioners under that Act shall be deemed to be four of the members referred to in clause *b* of subsection 2, until the election of members to Council held next after this Part comes into force. Continuation

(9) The Lieutenant-Governor in Council shall appoint to the Council not less than six and not more than eight persons who are nominated by the Ontario Podiatry Association and who, immediately before this Part comes into effect, were registered as practitioners under *The Chiropody Act* hereinbefore mentioned, which persons shall be deemed to be members referred to in clause *b* of subsection 2, until the election of members to Council held next after this Part comes into force. Idem

Powers of
Minister

168*e*. In addition to his powers and duties under Part I, the Minister may,

- (a) review the activities of the Council;
- (b) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;
- (c) advise the Council with respect to the implementation of this Part and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations and procedures.

Regulations

168*f*. Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

- (a) fixing the number of members to be elected to the Council and establishing electoral districts for elections;
- (b) respecting and governing the qualifications, nomination, election and term of office of the members to be elected to the Council, and controverted elections;
- (c) prescribing the conditions disqualifying elected members from sitting on the Council and governing the filling of vacancies on the Council;
- (d) respecting any matter ancillary to the provisions of this Part with regard to the issuing, suspension and revocation of licences;
- (e) providing for the maintenance and inspection of registers of persons permitted to practise;
- (f) governing standards of practice for the profession;
- (g) defining classes of specialists in the various branches of podiatry, prescribing the qualifications required, providing for the suspension or revocation of any such designation, and for the regulation and prohibition of the use of terms, titles or designations by members indicating specialization in any branch of podiatry;
- (h) regulating the compounding, dispensing and sale of drugs by members and the containers and labelling therefor, prescribing the records that shall be kept and requiring reports to the Minister respecting such compounding, dispensing and sale;

- (i) prohibiting the practice of podiatry where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;
- (j) defining professional misconduct for the purposes of this Part;
- (k) providing for a program of continuing education of members to maintain their standard of competence and requiring members to participate in such continuing education;
- (l) regulating, controlling and prohibiting the use of terms, titles or designations by members or groups or associations of members in respect of their practices;
- (m) governing the use of x-rays by a member in the practice of podiatry;
- (n) respecting the reporting and publication of decisions in disciplinary matters;
- (o) requiring and providing for the inspection and examination of books, accounts, reports and podiatric records of members in connection with their practice;
- (p) respecting the duties and authority of the Registrar;
- (q) requiring the payment of fees by members and fees for licensing, examinations and continuing education, including penalties for late payment and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;
- (r) prescribing forms and providing for their use;
- (s) providing for the exemption of any member from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable.

168g.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the College not inconsistent with this Act and the regulations and without limiting the generality of the foregoing, ^{By-laws}

- (a) prescribing the seal of the College;
- (b) providing for the execution of documents by the College;

- (c) respecting banking and finance;
- (d) fixing the financial year of the College and providing for the audit of the accounts and transactions of the College;
- (e) providing procedures for the election of President and Vice-President of the College, the filling of a vacancy in those offices, and prescribing the duties of the President and Vice-President;
- (f) respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;
- (g) respecting the calling, holding and conducting of meetings of the membership of the College;
- (h) prescribing the remuneration of the members of the Council and committees other than persons appointed by the Lieutenant Governor in Council and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;
- (i) providing for the appointment, composition, powers and duties of such additional or special committees as may be required;
- (j) delegating to the Executive Committee such powers and duties of the Council as are set out in the by-law, other than the power to make, amend or revoke regulations and by-laws;
- (k) providing for a code of ethics;
- (l) prescribing forms and providing for their use;
- (m) providing procedures for the making, amending and revoking of the by-laws;
- (n) respecting management of the property of the College;
- (o) respecting the application of the funds of the College and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;
- (p) providing for the entering into arrangements by the College for its members respecting indemnity for professional liability and respecting the payment and remit-

tance of premiums in connection therewith and prescribing levies to be paid by members and exempting members or any class thereof from all or part of any such levy;

- (q) providing for the appointment of inspectors for the purposes of this Part;
- (r) respecting membership of the College in a national organization with similar functions, the payment of an annual assessment and provision for representatives at meetings;
- (s) respecting all of the things that are considered necessary for the attainment of the objects of the College and the efficient conduct of its affairs.

(2) A copy of the by-laws made under subsection 1 and amendments thereto, Idem

- (a) shall be forwarded to the Minister;
- (b) shall be forwarded to each member; and
- (c) shall be available for public inspection in the office of the College.

(3) Any by-law or resolution signed by all members of the Council is as valid and effective as if passed at a meeting of the Council duly called, constituted and held for the purpose. Idem

168*h*.—(1) No person shall engage in or hold himself out as engaging in the practice of podiatry unless he is licensed under this Part. Licence to act as podiatrist

(2) For the purposes of subsection 1,

Exceptions

- (a) rendering first aid or temporary assistance in an emergency without fee; or
- (b) the administration of household remedies by members of the patient's household,

shall be deemed not to be engaging in the practice of podiatry.

(3) Notwithstanding subsection 1, a student of podiatry may engage in the practice of podiatry within a prescribed training program under the supervision of a member. Students excepted

Proof of
practice

(4) For the purposes of this section, proof of the performance of one act in the practice of podiatry on one occasion is sufficient to establish engaging in the practice of podiatry.

Conflict
with other
health
discipline

(5) A member or person authorized by the regulations may engage in the practice of podiatry notwithstanding that any part of such practice is included in the practice of any other health discipline.

Application
of
Part VI

(6) Part VI does not apply in respect of the compounding and dispensing and sale of drugs by a member for his own patients in accordance with this Part and the regulations.

Practice of
medicine

(7) Nothing done in the practice of medicine by a person licensed under this Act to practise medicine shall be deemed to be a contravention of this section.

Faith
healing

(8) Nothing in this Part shall be construed to affect the treatment of human ailments by the use of prayer or spiritual means in the exercise of a religion in accordance with the tenets of an established church by the members thereof.

Establishment
of committees

168*i*. The Council shall establish and appoint as hereinafter provided the following committees;

- (a) Executive Committee;
- (b) Registration Committee;
- (c) Complaints Committee;
- (d) Discipline Committee,

and may establish such other committees as the Council from time to time considers necessary.

Executive
Committee

168*j*.—(1) The Executive Committee shall be composed of,

- (a) the President, who shall be chairman of the Committee;
- (b) the Vice-President; and
- (c) three persons who are members of the Council, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council.

Quorum

(2) A majority of the members of the Executive Committee constitutes a quorum.

(3) The Executive Committee shall perform such functions of ^{Duties} the Council as are delegated to it by the Council, the by-laws or this Part and, subject to ratification by the Council at its next ensuing meeting, may take action upon any other matter that requires immediate attention between meetings of the Council, other than to make, amend or revoke a regulation or by-law.

168*k*.—(1) The Registration Committee shall be composed of ^{Registration Committee} three persons who are members of the Council, one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.

(2) The Council shall name one member of the Registration ^{Chairman} Committee to be chairman.

(3) A majority of the members of the Registration Committee ^{Quorum} constitutes a quorum.

168*l*.—(1) The Registrar shall issue a licence to any applicant ^{Licence and registrations} therefor who is qualified under this Part and the regulations and has passed such examinations as the Council may set or approve, and the Registrar shall refer to the Registration Committee every application for a licence that he proposes to refuse or to which he considers terms, conditions or limitations should be attached.

(2) The Council shall obtain the approval of a board of legally ^{Examinations} qualified medical practitioners in the setting and supervision of examinations referred to in subsection 1 and the examinations shall be of a standard equivalent to the standard that is required of a legally qualified medical practitioner to qualify to practise in the same area of care.

(3) The Registration Committee,

(a) shall determine the eligibility of applicants for licences ^{Powers and duties of Registration Committee} and may require an applicant to take and pass such additional examinations as the Council may set or approve and pay such fees therefor as the Registration Committee fixes or to take such additional training as the Registration Committee specifies; and

(b) may exempt an applicant from any licensing requirement.

(4) The Registration Committee may direct the Registrar to ^{Conditions of licence} issue or refuse to issue licences or to issue licences subject to such terms, conditions and limitations as the Committee specifies.

(5) The Registration Committee may review the qualifications ^{Review of qualifications} of any member and may impose a further term, condition or limitation on his licence pending the demonstration of such standard of competence through the completion of such experience,

courses of study or continuing education as the Committee specifies.

Register

(6) The Registrar shall maintain one or more registers in which is entered the name of every person who is licensed to practise podiatry, identifying any specialist status and the terms, conditions and limitations attached to the licence, and shall note on the register every revocation, suspension and cancellation of a licence or recognition of specialist status and such other information as the Registration Committee or Discipline Committee directs.

Continuation

(7) Every licence issued under *The Chiropody Act*, being chapter 70 of the Revised Statutes of Ontario, 1970, and in effect immediately before this Part comes into force continues in the same manner as if issued under this Part.

Complaints
Committee

168*m*.—(1) The Complaints Committee shall be composed of three persons who are members of the Council, one of whom shall be a person appointed to the Council by the Lieutenant Governor in Council.

Idem

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman

(3) The Council shall name one member of the Complaints Committee to be chairman.

Quorum

(4) A majority of the members of the Complaints Committee constitutes a quorum.

Duties

168*n*.—(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the College regarding the conduct or actions of any member of the College, but no action shall be taken by the Committee under subsection 2 unless,

- (a) a written complaint has been filed with the Registrar and the member whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit any explanations or representations he may wish to make concerning the matter; and
- (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

Idem

(2) The Committee in accordance with the information it receives may,

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee or to the Executive Committee for the purposes of section 168*q*; or

(b) direct that the matter not be referred under clause *a*; or

(c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Part or the regulations or by-laws.

(3) The Committee shall give its decision in writing to the Registrar for the purposes of section 8 and, where the decision is made under clause *b* of subsection 2, its reasons therefor. ^{Decisions and reasons}

168o.—(1) The Discipline Committee shall be composed of five members of the Council of whom two shall be persons appointed to the Council by the Lieutenant Governor in Council. ^{Discipline Committee}

(2) The Council shall appoint one of the members of the Discipline Committee to be chairman. ^{Chairman}

(3) The Chairman of the Discipline Committee may assign a panel of three members of the Committee to hold a hearing of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council. ^{Panel}

(4) Three members of a panel assigned under subsection 3, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum for a hearing and all disciplinary decisions require the vote of a majority of members of the Discipline Committee presiding at the hearing. ^{Quorum}

(5) Where a panel of the Discipline Committee commences a hearing and the member thereof who is appointed to the Council by the Lieutenant Governor in Council becomes unable to continue to act, the remaining members may complete the hearing notwithstanding his absence. ^{Disability of lay member}

(6) Notwithstanding section 168n, the Council or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any specified allegation of professional misconduct or incompetence on the part of a member. ^{Reference}

168p.—(1) The Discipline Committee shall, ^{Duties}

(a) when so directed by the Council, Executive Committee or Complaints Committee, hear and determine allegations of professional misconduct or incompetence against any member;

(b) hear and determine matters referred to it under sections 168n and 168o; and

(c) perform such other duties as are assigned to it by the Council.

Idem

(2) In the case of hearings into allegations of professional misconduct or incompetence, the Discipline Committee shall,

- (a) consider the allegations, hear the evidence and ascertain the facts of the case;
- (b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;
- (c) determine whether in respect of the allegations so proved the member is guilty of professional misconduct or incompetence;
- (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of professional misconduct or of incompetence.

Professional misconduct

(3) A member may be found guilty of professional misconduct by the Committee if,

- (a) he has been found guilty of an offence relevant to his suitability to practise upon proof of such conviction; or
- (b) he has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

Incompetence

(4) The Discipline Committee may find a member to be incompetent if in its opinion he has displayed in his professional care of a patient a lack of knowledge, skill or judgment or disregard for the welfare of the patient of a nature or to an extent that demonstrates he is unfit to continue in practice.

Powers of Discipline Committee

(5) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence it may by order,

- (a) revoke the licence of the member, or withdraw recognition of his specialist status, or both;
- (b) suspend the licence of the member or recognition of his specialist status, or both, for a stated period;
- (c) impose such restrictions on the licence of the member for such a period and subject to such conditions as the Committee designates;
- (d) reprimand the member and, if deemed warranted, direct that the fact of such reprimand be recorded on the register;

- (e) impose such fine as the Committee considers appropriate to a maximum of \$5,000 to be paid by the member to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;
- (f) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates,

or any combination thereof.

(6) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the College reimburse the member for his costs or such portion thereof as the Discipline Committee fixes. Costs

(7) Where the Discipline Committee revokes, suspends or restricts a licence or recognition of specialist status on the grounds of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision. Stay on appeal for incompetence

(8) Where the Discipline Committee revokes, suspends or restricts the licence or recognition of specialist status of a member on grounds other than for incompetence, the order shall not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned. Stay on appeal for professional misconduct

(9) Where the Discipline Committee finds a member guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member. Service of decision

(10) Where a proceeding is commenced before the Discipline Committee and the term of office of the Council or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated. Continuation on expiry of committee membership

168q.—(1) In this section,

Interpretation

- (a) “board of inquiry” means a board of inquiry appointed by the Executive Committee under subsection 2;
- (b) “incapacitated member” means a member suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of

the public or the member that he no longer be permitted to practise or that his practice be restricted.

Reference to
board of
inquiry

(2) Where the Registrar receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate and report to the Executive Committee who may, upon notice to the member, appoint a board of inquiry composed of at least two members of the College and one member of the Council appointed thereto by the Lieutenant Governor in Council who shall inquire into the matter.

Examination

(3) The board of inquiry shall make such inquiries as it considers appropriate and may require the member to submit to physical or mental examination by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his licence be suspended until he complies.

Hearing

(4) The board of inquiry shall report its findings to the Executive Committee and deliver a copy thereof and a copy of any medical report obtained under subsection 3 to the member about whom the report is made and if, in the opinion of the Executive Committee, the evidence so warrants, the Executive Committee shall refer the matter to the Registration Committee to hold a hearing and may suspend the member's licence until the determination of the question of his capacity becomes final.

Parties

(5) The College, the person whose capacity is being investigated and any other person specified by the Registration Committee are parties to a proceeding under this section.

Medical
evidence

(6) A legally qualified medical practitioner is not compellable to produce at the hearing his case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceeding,

(a) where the evidence is required by the College, at least five days before the hearing commences; and

(b) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

(7) The Registration Committee shall, after the hearing,

Powers of
Registration
Committee

(a) make a finding as to whether or not the member is an incapacitated member; and

(b) where the member is found to be an incapacitated member by order,

(i) revoke his licence,

(ii) suspend his licence for such period as the Committee considers appropriate, or

(iii) attach such terms and conditions to the licence as the Committee considers appropriate.

(8) The provisions of Part I and this Part applying to proceedings of the Health Disciplines Board on hearings and review in respect of applications for registration and appeals therefrom apply, with necessary modifications, to proceedings of the Registration Committee under this section, except that the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Procedures

168r.—(1) A person whose licence has been revoked or suspended for cause under this Part, or a predecessor of this Part, may apply in writing to the Registrar for the issuance of a licence or removal of the suspension, but such application shall not be made sooner than one year after the revocation or, where the suspension is for more than one year, one year after the suspension.

Restoration
of licence

(2) The Registrar shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Registration Committee, which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and to the former member.

Reference

(3) The provisions of Part I and this Part applying to proceedings of the Health Disciplines Board on hearings and review in respect of applications for registration, except subsection 9 of section 11, apply, with necessary modifications, to proceedings of the Registration Committee and Discipline Committee under this Section.

Procedures

(4) Notwithstanding subsections 1, 2 and 3, the Council or the Executive Committee may direct at any time that a licence be issued to a person whose licence has previously been revoked for cause or a suspension for cause be removed, subject to such terms,

Direction by
Council to
issue licence

conditions or limitations as the Council or Executive Committee, as the case may be, considers appropriate.

Investigation
of members

168s.—(1) Where the Registrar believes on reasonable and probable grounds that a member has committed an act of professional misconduct or incompetence, the Registrar may, with the approval of the Executive Committee, by order appoint one or more persons to make an investigation to ascertain whether such act has occurred, and the person appointed shall report the result of his investigation to the Registrar.

Powers of
investigator

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to the subject-matter of the investigation and, for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act.

1971, c. 49

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Search
warrant

(4) Where a provincial judge is satisfied, upon an *ex parte* application by the person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the provincial judge may, whether or not an inspection has been made or attempted under subsection 2, issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

(5) Any persons making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection 2 or 4 relating to the member whose practice is being investigated and to the sub-

ject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

(6) Any copy made as provided in subsection 5 and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

Admissibility
of copies

(7) The Registrar shall report the results of the investigation to the Council or the Executive Committee or to such other committee as he considers appropriate.

Report of
Registrar

168*t*.—(1) Every person employed in the administration of this Part, including any person making an inquiry or investigation under section 168*s*, and any member of the Council or a committee, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under section 168*s* and shall not communicate any such matters to any other person except,

Matters
confidential

(a) as may be required in connection with the administration of this Part and the regulations and by-laws or any proceedings under this Part or the regulations; or

(b) as may be required for the enforcement of *The Health Insurance Act, 1972*; ^{1972, c. 91}

(c) to his counsel; or

(d) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Part or the regulations or by-laws.

Testimony in
civil suit

168*u*.—(1) Where it appears to the College that any person does not comply with any provision of this Part or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the College may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Restraining
order

Appeal	(2) An appeal lies to the Supreme Court from an order made under subsection 1.
Offence	168v.—(1) Every person who is in contravention of section 168h is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$2,000 and for each subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.
Idem	(2) Subject to the provisions of Parts II, III and V, any person not licensed under this Part who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is licensed or registered under this Part or that he is recognized by law or otherwise as a podiatrist, or who assumes, uses or employs the description or title “podiatrist”, “doctor of podiatry”, “doctor of podiatric medicine”, “doctor”, “surgeon” or “physician” or any affix or prefix indicative of such titles or qualifications as an occupational designation relating to the treatment of ailments or physical defects of the human foot or advertises or holds himself out as such, is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000.
Idem	(3) Any person who obstructs a person appointed to make an investigation under section 168s in the course of his duties is guilty of an offence and on conviction is liable to a fine not exceeding \$2,000.
Repeal	168w.—(1) <i>The Chiropody Act</i> , being chapter 70 of the Revised Statutes of Ontario, 1970, is repealed.
References	(2) Any reference in any Act or regulation to <i>The Chiropody Act</i> , shall be deemed to be a reference to this Part.
Commence- ment	2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
Short title	3. The short title of this Act is <i>The Health Disciplines Amendment Act, 1980</i> .

BILL 149

An Act to amend
The Health Disciplines Act, 1974

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

MR. MCGUGAN

(Private Member's Bill)

20N
356

BILL 150

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980 *Legislation Ministry*

An Act to amend The Road Access Act, 1978

MR. FOULDS



TORONTO

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EXPLANATORY NOTE

The purpose of the Bill is to clarify that *The Road Access Act, 1978* applies to public and private forest roads. The Bill amends the definition of "access road" in the Act. This definition, as it now reads, is set out below:

1. *In this Act,*

- (a) "access road" means a road located on land not owned by a municipality and not dedicated and accepted as, or otherwise deemed at law to be, a public highway, that serves as a motor vehicle access route to one or more parcels of land.

BILL 150

1980

An Act to amend The Road Access Act, 1978

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Road Access Act, 1978*, being chapter 61, is amended by adding at the end thereof "and includes a public forest road or a private forest road within the meaning of Part II of *The Public Lands Act*". s. 1 (a),
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Road Access Amendment Act, 1980*. Short title

An Act to amend
The Road Access Act, 1978

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

MR. FOULDS

(Private Member's Bill)

CH20N
XB
- BSK

BILL 151

Government Publications
Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Ontario Housing Corporation Act

MR. WARNER

TORONTO

PRINTED BY J. C. HATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to clarify the authority of the Ontario Housing Corporation to fix rents for units in residential complexes owned or operated by the Corporation.

BILL 151

1980

An Act to amend The Ontario Housing Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Housing Corporation Act*, being chapter 317 of the Revised Statutes of Ontario, 1970 is amended by adding thereto the following section: s. 8a,
enacted

8a.—(1) The Corporation may fix the rent for a unit in a residential complex owned or operated by the Corporation, but the rent shall not exceed 25 per cent of the total net monthly income of the tenant or tenants of the unit. Authority
to fix
rent

(2) For the purposes of subsection 1, “net monthly income” Idem means the average monthly income of a tenant during the previous year less the amount of the tenant’s average monthly contributions to the Canada Pension Plan, the unemployment insurance program and payments of income tax during that year.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Ontario Housing Corporation Amendment Act, 1980*. Short title

An Act to amend
The Ontario Housing Corporation Act

1st Reading

June 19th, 1980

2nd Reading

3rd Reading

MR. WARNER

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ^TONTARIO
29 ELIZABETH II, 1980

25 *Legislative Assembly*

An Act to amend The Beef Cattle Marketing Act

THE HON. L. C. HENDERSON
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The general purpose of the Bill is to amend *The Beef Cattle Marketing Act*,

1. To add definitions for “Board” and “Commissioner” (section 1 of the Bill). The definitions are complementary to new sections of the Act set out in section 3 of the Bill.
2. To change the method of calculating licence fees from an amount per head of cattle to a percentage of the sale price, not to exceed two-tenths of 1 per cent (section 2 of the Bill).
3. To require the Live Stock Commissioner to prepare a list of plants approved for purchase of cattle on a carcass weight basis and to prohibit the purchase of animals for slaughter on a carcass weight basis where the plant is not included on the list (new section 9*a* of the Act, set out in section 3 of the Bill).
4. To provide one fine (no minimum and \$1,000 maximum) for a contravention of the Act or the regulations. Present fines are, for a first offence, \$25 minimum and \$100 maximum, and for subsequent offences, \$100 minimum and \$500 maximum, except for obstruction of an inspector, where the fine is \$200 minimum and \$1,000 maximum (section 4 of the Bill).

Provision is made for hearings by the Commissioner respecting the preparation, amendment or revision of the list of approved plants (new sections 9*b* and 9*c* of the Act, set out in section 3 of the Bill).

Provision is also made for appeals from decisions respecting the preparation, amendment or revision of the list of approved plants (new sections 9*d*, 9*e*, 9*f* and 9*g* of the Act, set out in section 3 of the Bill).

BILL 152

1980

An Act to amend The Beef Cattle Marketing Act

HER, MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Beef Cattle Marketing Act*, being chapter 42 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses: s. 1,
amended

(aa) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*; R.S.O. 1970,
c. 109

(cc) "Commissioner" means the Live Stock Commissioner.

- 2.—(1) Clause *b* of subsection 1 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 43, section 1 and amended by the Statutes of Ontario, 1978, chapter 87, section 3, is repealed and the following substituted therefor: s. 5 (1) (b),
amended

(b) fixing the amount of licence fees up to but not exceeding two-tenths of 1 per cent of the sale price for each head of cattle.

- (2) Subsection 4 of the said section 5, as enacted by the Statutes of Ontario, 1974, chapter 43, section 1, is repealed. s. 5 (4),
repealed

3. The said Act is amended by adding thereto the following sections: ss. 9a-9g,
enacted

9a.—(1) Subject to section 9b, the Commissioner shall prepare a list of plants that, in his opinion, comply with the provisions of this Act and the regulations that apply where cattle are sold for a price calculated on a carcass weight basis, and may amend or revise the list from time to time. Preparation
of list

Application
for listing

(2) Where the operator of a plant wishes to have his plant included on the list referred to in subsection 1, he shall apply therefor to the Commissioner in writing.

List may be
inspected

(3) The Commissioner shall maintain a copy of the list referred to in subsection 1, as amended or revised, at his office at all times and shall permit inspection thereof by the public during normal business hours.

Furnishing
and
publishing
list

(4) The Commissioner may,

- (a) send a copy of the list referred to in subsection 1 and any amendment or revision thereof to any person in Ontario who makes a request therefor; and
- (b) publish the list referred to in subsection 1 and any amendment or revision thereof in such manner as he considers advisable.

Purchase
of cattle

(5) No operator of a plant that is not included on the list referred to in subsection 1 shall purchase cattle for slaughter at his plant for a price calculated on a carcass weight basis.

Hearing
required

9b.—(1) A decision by the Commissioner not to include a plant on the list referred to in section 9a or to remove a plant from the list shall be made only after a hearing by the Commissioner.

Notice of
hearing

(2) Notice of a hearing by the Commissioner under subsection 1 shall afford to the operator of the plant a reasonable opportunity to show or achieve compliance before the hearing with the provisions of this Act and the regulations that apply where cattle are sold for a price calculated on a carcass weight basis.

Examination of
documentary
evidence

(3) The operator of a plant who is a party to the the proceedings in which the Commissioner holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Removal
of plant
from list

(4) Notwithstanding subsections 1, 2 and 3, the Commissioner may remove a plant from the list referred to in section 9a without a hearing where,

- (a) in the opinion of the Commissioner, it is necessary to do so for the immediate protection of the interests of producers; and
- (b) the Commissioner, forthwith thereafter, serves upon the operator of the plant notice of a hearing to be held within fifteen days after the removal of the plant from the list.

9c. Where, after a hearing, the Commissioner has not included a plant on or has removed a plant from the list referred to in section 9a, he may at any time of his own motion or on the application of the operator of the plant vary or rescind his decision, but the Commissioner shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision after such rehearing as he considers proper under this Act.

Commissioner
may vary
or rescind
decision

9d.—(1) Where the Commissioner refuses to include a plant on or removes a plant from the list referred to in section 9a, the operator of the plant may, by written notice delivered to the Commissioner and filed with the Board within fifteen days after receipt of the decision of the Commissioner, appeal to the Board.

Appeal
to Board

(2) The Board may extend the time for the giving of notice under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Extension
of time
for appeal

(3) Where an operator appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the plant should be included on or removed from the list and may, after the hearing, confirm or alter the decision of the Commissioner or direct the Commissioner to do any act he is authorized to do under this Act and as the Board considers proper and, for such purposes, the Board may substitute its opinion for that of the Commissioner.

Disposal
of appeal

(4) Notwithstanding that an operator has appealed under this section from a decision of the Commissioner, unless the Commissioner otherwise directs, the decision of the Commissioner is effective until the appeal is disposed of.

Effect of
decision of
Commissioner
pending
disposal
of appeal

9e.—(1) The Commissioner, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Parties

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Members
making
decision
not to have
taken part
in investiga-
tion, etc.

Recording of
evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Only members
at hearing
to
participate
in decision

(4) No member of the Board shall participate in a decision of the Board after a hearing who was not present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Application
of
1971, c. 47

9f. *The Statutory Powers Procedure Act, 1971* applies to any hearing by the Commissioner or the Board under this Act.

Appeal to
Divisional
Court

9g.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Divisional Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to appear, by counsel or otherwise, upon the argument of an appeal under this section.

Record to
be filed
in court

(3) The chairman of the Board shall file with the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, constitutes the record on the appeal.

Powers of
court on
appeal

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Commissioner to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Commissioner or the Board.

Effect of
decision
of Board
pending
disposal
of appeal

(5) Notwithstanding that an operator has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

s. 10,
re-enacted

4. Section 10 of the said Act is repealed and the following substituted therefor:

Offence

10. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
6. The short title of this Act is *The Beef Cattle Marketing Amendment Act, 1980*. Short title

An Act to amend
The Beef Cattle Marketing Act

1st Reading

October 6th, 1980

2nd Reading

3rd Reading

THE HON. L. C. HENDERSON
Minister of Agriculture and Food

(Government Bill)

7 BILL 152

Government
Publications

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Beef Cattle Marketing Act

THE HON. L. C. HENDERSON
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 152

1980

An Act to amend The Beef Cattle Marketing Act

HER, MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Beef Cattle Marketing Act*, being chapter 42 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following clauses: s. 1,
amended

(aa) "Board" means the Agricultural Licensing and Registration Review Board established under *The Ministry of Agriculture and Food Act*; R.S.O. 1970,
c. 109

(cc) "Commissioner" means the Live Stock Commissioner.

- 2.—(1) Clause *b* of subsection 1 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 43, section 1 and amended by the Statutes of Ontario, 1978, chapter 87, section 3, is repealed and the following substituted therefor: s. 5 (1) (b),
amended

(b) fixing the amount of licence fees up to but not exceeding two-tenths of 1 per cent of the sale price for each head of cattle.

- (2) Subsection 4 of the said section 5, as enacted by the Statutes of Ontario, 1974, chapter 43, section 1, is repealed. s. 5 (4),
repealed

3. The said Act is amended by adding thereto the following sections: ss. 9a-9g,
enacted

9a.—(1) Subject to section 9b, the Commissioner shall prepare a list of plants that, in his opinion, comply with the provisions of this Act and the regulations that apply where cattle are sold for a price calculated on a carcass weight basis, and may amend or revise the list from time to time. Preparation
of list

Application
for listing

(2) Where the operator of a plant wishes to have his plant included on the list referred to in subsection 1, he shall apply therefor to the Commissioner in writing.

List may be
inspected

(3) The Commissioner shall maintain a copy of the list referred to in subsection 1, as amended or revised, at his office at all times and shall permit inspection thereof by the public during normal business hours.

Furnishing
and
publishing
list

(4) The Commissioner may,

(a) send a copy of the list referred to in subsection 1 and any amendment or revision thereof to any person in Ontario who makes a request therefor; and

(b) publish the list referred to in subsection 1 and any amendment or revision thereof in such manner as he considers advisable.

Purchase
of cattle

(5) No operator of a plant that is not included on the list referred to in subsection 1 shall purchase cattle for slaughter at his plant for a price calculated on a carcass weight basis.

Hearing
required

9b.—(1) A decision by the Commissioner not to include a plant on the list referred to in section 9a or to remove a plant from the list shall be made only after a hearing by the Commissioner.

Notice of
hearing

(2) Notice of a hearing by the Commissioner under subsection 1 shall afford to the operator of the plant a reasonable opportunity to show or achieve compliance before the hearing with the provisions of this Act and the regulations that apply where cattle are sold for a price calculated on a carcass weight basis.

Examination of
documentary
evidence

(3) The operator of a plant who is a party to the the proceedings in which the Commissioner holds a hearing shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Removal
of plant
from list

(4) Notwithstanding subsections 1, 2 and 3, the Commissioner may remove a plant from the list referred to in section 9a without a hearing where,

(a) in the opinion of the Commissioner, it is necessary to do so for the immediate protection of the interests of producers; and

(b) the Commissioner, forthwith thereafter, serves upon the operator of the plant notice of a hearing to be held within fifteen days after the removal of the plant from the list.

9c. Where, after a hearing, the Commissioner has not included a plant on or has removed a plant from the list referred to in section 9a, he may at any time of his own motion or on the application of the operator of the plant vary or rescind his decision, but the Commissioner shall not vary or rescind his decision adversely to the interests of any person without holding a rehearing to which such person is a party and may make such decision after such rehearing as he considers proper under this Act.

Commissioner
may vary
or rescind
decision

9d.—(1) Where the Commissioner refuses to include a plant on or removes a plant from the list referred to in section 9a, the operator of the plant may, by written notice delivered to the Commissioner and filed with the Board within fifteen days after receipt of the decision of the Commissioner, appeal to the Board.

Appeal
to Board

(2) The Board may extend the time for the giving of notice under subsection 1, either before or after expiration of such time, where it is satisfied that there are *prima facie* grounds for appeal and that there are reasonable grounds for applying for the extension.

Extension
of time
for appeal

(3) Where an operator appeals to the Board under this section, the Board shall hear the appeal by way of a hearing *de novo* to determine whether the plant should be included on or removed from the list and may, after the hearing, confirm or alter the decision of the Commissioner or direct the Commissioner to do any act he is authorized to do under this Act and as the Board considers proper and, for such purposes, the Board may substitute its opinion for that of the Commissioner.

Disposal
of appeal

(4) Notwithstanding that an operator has appealed under this section from a decision of the Commissioner, unless the Commissioner otherwise directs, the decision of the Commissioner is effective until the appeal is disposed of.

Effect of
decision of
Commissioner
pending
disposal
of appeal

9e.—(1) The Commissioner, the appellant and such other persons as the Board may specify are parties to the proceedings before the Board under this Act.

Parties

(2) Members of the Board assigned to render a decision after a hearing shall not have taken part prior to the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but such members may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Members
making
decision
not to have
taken part
in investiga-
tion, etc.

Recording of
evidence

(3) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Only members
at hearing
to
participate
in decision

(4) No member of the Board shall participate in a decision of the Board after a hearing who was not present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Application
of
1971, c. 47

9f. *The Statutory Powers Procedure Act, 1971* applies to any hearing by the Commissioner or the Board under this Act.

Appeal to
Divisional
Court

9g.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Divisional Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to appear, by counsel or otherwise, upon the argument of an appeal under this section.

Record to
be filed
in court

(3) The chairman of the Board shall file with the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board if it is not part of the Board's record, constitutes the record on the appeal.

Powers of
court on
appeal

(4) An appeal under this section may be made on any question that is not a question of fact alone and the court may confirm or alter the decision of the Board or direct the Commissioner to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Commissioner or the Board.

Effect of
decision
of Board
pending
disposal
of appeal

(5) Notwithstanding that an operator has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

s. 10.
re-enacted

4. Section 10 of the said Act is repealed and the following substituted therefor:

Offence

10. Every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
6. The short title of this Act is *The Beef Cattle Marketing Amendment Act, 1980*. Short title

An Act to amend
The Beef Cattle Marketing Act

1st Reading

October 6th, 1980

2nd Reading

October 21st, 1980

3rd Reading

November 14th, 1980

THE HON. L. C. HENDERSON
Minister of Agriculture and Food

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to repeal The Warble Fly Control Act

THE HON. L. C. HENDERSON
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill proposes the repeal of *The Warble Fly Control Act*.

BILL 153

1980

An Act to repeal The Warble Fly Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Warble Fly Control Act*, being chapter 487 of the Revised Statutes of Ontario, 1970, is repealed. ^{Repeal}

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

3. The short title of this Act is *The Warble Fly Control Repeal Act, 1980*. ^{Short title}

An Act to repeal
The Warble Fly Control Act

1st Reading

October 6th, 1980

2nd Reading

3rd Reading

THE HON. L. C. HENDERSON
Minister of Agriculture and Food

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to repeal The Warble Fly Control Act

THE HON. L. C. HENDERSON
Minister of Agriculture and Food



BILL 153

1980

An Act to repeal The Warble Fly Control Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Warble Fly Control Act*, being chapter 487 of the Revised Statutes of Ontario, 1970, is repealed. ^{Repeal}
- 2.** This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
- 3.** The short title of this Act is *The Warble Fly Control Repeal Act, 1980*. ^{Short title}

An Act to repeal
The Warble Fly Control Act

1st Reading

October 6th, 1980

2nd Reading

October 21st, 1980

3rd Reading

November 14th, 1980

THE HON. L. C. HENDERSON
Minister of Agriculture and Food

3
11
BILL 154

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ^LONTARIO
29 ELIZABETH II, 1980 ²⁵⁸

An Act to amend The Employment Standards Act, 1974

MR. VAN HORNE



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to amend *The Employment Standards Act, 1974* in order to provide additional protections to employees who are laid off or whose employment is terminated. The Bill extends the time period for giving notice to an employee of a lay-off or termination of employment. The Bill requires an employer to provide assistance to the Minister of Labour, trade unions and employees in any action or program designed to re-establish employees in employment. The Bill also requires an employer to pay severance pay to employees whose employment is terminated.

BILL 154

1980

An Act to amend The Employment Standards Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 40 of *The Employment Standards Act, 1974*, being chapter 112, is repealed and the following substituted therefor: s. 40 (1),
re-enacted

(1) No employer shall terminate the employment of or lay-off an employee who has been employed for three months or more unless the employer gives, Notice of
termination
or lay-off

- (a) two weeks notice in writing to the employee if his period of employment is less than two years;
- (b) four weeks notice in writing to the employee if his period of employment is two years or more but less than five years;
- (c) eight weeks notice in writing to the employee if his period of employment is five years or more but less than ten years; and
- (d) sixteen weeks notice in writing to the employee if his period of employment is ten years or more,

and such notice has expired.

- (2) Subsection 2 of the said section 40 is repealed and the following substituted therefor: s. 40 (2),
re-enacted

(2) Notwithstanding subsection 1, no employer shall lay-off or terminate the employment of between fifty and one hundred employees in any period of four weeks or less unless the employer gives thirteen weeks notice in writing to each employee and such notice has expired. Lay-off or
termination of
between fifty
and one
hundred
employees

Lay-off of
more than
one hundred
employees

(2a) Notwithstanding subsection 1, no employer shall lay-off or terminate the employment of more than one hundred employees in any period of four weeks or less unless the employer gives twenty-six weeks notice in writing to each employee and such notice has expired.

Application

(2b) Subsections 1, 2 and 2a apply to an employee or employees who are laid off or terminated during or as a result of a strike or lock-out at a place of employment.

s. 40 (5),
re-enacted

(3) Subsection 5 of the said section 40 is repealed and the following substituted therefor:

Employer to
co-operate

(5) Where an employer is required to give notice under subsection 2a, the employer shall co-operate with and provide assistance to the Minister, any trade union representing the employees and any committee of employees in any action or program designed to facilitate the re-establishment in employment of the employees.

s. 40,
amended

(4) The said section 40 is amended by adding thereto the following subsection:

Severance
pay

(6a) An employer who terminates the employment of an employee under this section shall pay to the employee one week's wages at the employee's regular rate of wages for his regular hours of work in respect of each completed year of employment.

s. 40 (7),
re-enacted

(5) Subsection 7 of the said section 40 is repealed and the following substituted therefor:

Termination
pay

(7) Where the employment of an employee is terminated contrary to this section, the employer shall pay the employee in addition to the amount payable under subsection 6a, an amount equal to the wages that the employee would have been entitled to receive at the employee's regular rate for the period of the notice required by subsection 1, 2 or 2a, as the case may be, and any wages to which he is entitled.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *The Employment Standards Amendment Act, 1980*.

An Act to amend
The Employment Standards Act, 1974

1st Reading

October 6th, 1980

2nd Reading

3rd Reading

MR. VAN HORNE

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act respecting
Full Employment in the Ontario Economy

MR. LUPUSELLA

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill requires the Treasurer of Ontario to table in the Legislative Assembly an Economic Report setting out the plan of the Government of Ontario for economic development and the achievement of full employment. The Bill also establishes a standing committee of the Legislative Assembly, to be known as the Standing Committee on Economic Development, to evaluate the state of the economy, to monitor the economic development of the Province of Ontario, to assess the progress of the Government of Ontario toward achieving full employment and to investigate problems in the economy.

BILL 155

1980

An Act respecting Full Employment in the Ontario Economy

WHEREAS it is public policy in Ontario to advance the Preamble
economic rights of citizens; and whereas unemployment
exact's tremendous economic and social costs from both the per-
sons directly affected and the communities in which they reside;
and whereas action is urgently needed to provide gainful employ-
ment for disadvantaged groups which suffer from higher than
average levels of unemployment; and whereas the provincial
government has the powers to engage in comprehensive economic
planning which can dramatically reduce the incidence of
unemployment in Ontario; and whereas the Legislative Assembly
of Ontario instructs the Government of Ontario to establish as its
principal economic goal the creation of employment for every
resident of the province who is willing and able to work;

Therefore, Her Majesty, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario, enacts as
follows:

1. The purpose of this Act is to establish as a principal goal of Purpose
public action the creation of full employment in Ontario and, in
order to achieve this objective, the Government of Ontario shall
use all available means, including both public and private sector
enterprise, to provide useful paid employment at fair rates of com-
pensation for all individuals able and willing to work.

2. The Treasurer of Ontario shall, within twenty days after the Economic
report
commencement of a session of the Legislative Assembly, table in
the Assembly an Economic Report.

3. The Economic Report shall be the plan of the Government
of Ontario for economic development and the achievement of full
employment and the Economic Report shall include,

- (a) a target date for the achievement of full employment and
annual numerical goals for job creation and unemploy-
ment levels until the goal of full employment is achieved;

- (b) a comprehensive description of existing programs and new programs designed to achieve the full employment goals including any legislation or policy changes related to these programs;
- (c) a review of current and foreseeable economic trends that affect or may affect the level of employment in Ontario;
- (d) a comprehensive analysis of the level of unemployment within industrial and regional sectors of the Ontario economy and within economically disadvantaged groups of persons residing in Ontario;
- (e) a review of lay-offs and plant closings as well as new jobs created and plants opened within the previous twelve month period;
- (f) an assessment of the effectiveness of existing job creation and economic development programs including actual job creation results;
- (g) an assessment of the growth and extent of Canadian control and the effects of foreign control of the Ontario economy;
- (h) an assessment of the role of Crown corporations owned or controlled by the Government of Ontario in economic development and the creation of employment;
- (i) a comprehensive description of the policies and strategies, the implementation of which lies within federal legislative jurisdiction, that the Government of Ontario is recommending to the Government of Canada to achieve full employment in Ontario.

Standing
Committee on
Economic
Development

4.—(1) At the commencement of each session of the Legislature a standing committee of the Assembly shall be appointed, to be known as the Standing Committee on Economic Development, with authority to sit during and between the sessions of the Legislative Assembly.

Purpose of
Committee

(2) The purpose of the Committee is to evaluate the state of the economy, to monitor the economic development of the Province of Ontario, to assess the progress of the Government of Ontario towards achieving full employment and to investigate problems in the economy.

Report
referred to
Committee

(3) The Economic Report tabled by the Treasurer of Ontario stands referred to the Committee.

(4) The Committee shall examine and assess the Economic Report and the economic goals and programs established by the Government of Ontario and shall deal with such other matters as are referred to it from time to time by the Assembly. Committee to assess report

(5) The Committee may at all times command and compel the attendance before the Committee of such persons, and the production of such papers and things, as the Committee considers necessary for any of its proceedings or deliberations. Powers of Committee

(6) The Committee may investigate and commission reports or studies of any economic matters related to the achievement of the objectives of this Act. Idem

(7) The Committee may retain staff to advise the Committee in respect of any particular matter coming before it. Staff

(8) The Committee shall evaluate the Economic Report and report to the Assembly from time to time but at least once in every session, on the extent and degree to which the Government has complied with the purposes of this Act, and to make recommendations for more effective compliance by the Government and to make such further observations and opinions as it sees fit. Report

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. The short title of this Act is *The Full Employment Act, 1980*. Short title

An Act respecting Full Employment
in the Ontario Economy

1st Reading

October 6th, 1980

2nd Reading

3rd Reading

MR. LUPUSSELLA

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

**An Act respecting the Security
of Employment in Ontario**

MR. DAVIDSON

TORONTO

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EXPLANATORY NOTE

The Bill establishes measures designed to protect the security of employment in Ontario. Part I of the Bill provides for the establishment of a Job Protection Board. The Job Protection Board is required to study, and report upon and make recommendations concerning lay-offs and plant closings that are of major significance. The Minister of Labour is given authority to make orders designed to reduce the impact of layoffs and plant closings on individual employees and communities. Part II of the Bill establishes a Community Adjustment Fund for the purpose of providing assistance to communities that are detrimentally affected by lay-offs and plant closings. Part III of the Bill contains amendments to *The Employment Standards Act, 1974* and to *The Labour Relations Act*. These amendments are designed to provide employees with additional rights regarding notice of termination, termination pay, rehiring rights and relocation rights. Part IV of the Bill contains amendments to *The Pension Benefits Act*. These amendments reduce the vesting period under pension plans to five years and establish a Central Pension Agency to administer the pension credits of employees whose pension plan is terminated or wound up.

BILL 156

1980

An Act respecting the Security of Employment in Ontario

WHEREAS it is public policy in Ontario to advance the economic rights of citizens; and whereas layoffs and plant closings exact tremendous economic and social costs on both the persons directly affected and the communities in which they reside; and whereas action is urgently needed to protect persons and communities and mitigate the effects of layoffs and plant closings; and whereas in particular, immediate action is required to provide minimum severance pay standards, pension protection and certain job transfer rights for the workers affected;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts the following:

1. The purpose of this Act is to protect employees and communities from the effects of unjustified layoffs and plant closures and to establish pension, job transfer rights, and minimum severance pay standards for all employees.

Purpose

2. In this Act,

Interpre-
tation

(a) "Board" means the Job Protection Board;

(b) "Minister" means the Minister of Labour;

(c) "plant closing" includes the closing of part of a plant or the closing of a product line in a plant that results in a permanent loss of employment for twenty-five or more employees.

PART I

JOB PROTECTION

3.—(1) There is hereby established a Job Protection Board to be composed of five persons appointed by the Lieutenant Governor in Council.

Job
Protection
Board

Chairman	(2) The Lieutenant Governor in Council shall appoint one of the members of the Board, who shall be a full-time member, as chairman and may appoint one or more other such members as vice-chairmen.
Member of Board	(3) The Lieutenant Governor in Council shall appoint persons to the Board who are representative of industry and labour.
Quorum	(4) Three members of the Board, one of whom shall be the chairman or vice-chairman, constitute a quorum and may exercise all the powers of the Board notwithstanding any vacancy in the membership.
General supervision	(5) The chairman shall have general supervision and direction over the conduct of the affairs of the Board, and shall arrange the sittings of the Board and assign members to conduct hearings as circumstances require.
Registrar	(6) The Lieutenant Governor in Council may appoint a Registrar for the Board who shall perform such duties as are assigned to him under this or any other Act or by the chairman of the Board.
Oaths, affirmations	(7) The Registrar for the Board and every member of the Board have power to administer oaths and affirmations for the purpose of any of its proceedings.
Objectives of Board	4. The objectives of the Job Protection Board are to inquire into the causes of intended layoffs and plant closings, to assess the social and economic impact of such layoffs and plant closings on individual employees and communities and to recommend specific actions which are required in order to prevent or mitigate the harmful effects of such layoffs and plant closings.
Study of plant closings	5.—(1) Where the Board determines that an intended layoff or plant closing is of major significance, the Board shall forthwith commence a study of the circumstances and the expected social and economic impact of the intended layoff or plant closing and through such study the Board shall, <div style="margin-left: 40px;"> (a) determine whether the intended layoff or plant closing is or is not justified; </div> <div style="margin-left: 40px;"> (b) where it is justified what specific remedy is required; </div> <div style="margin-left: 40px;"> (c) where it is not justified, what action is required to prevent the intended layoff or plant closing from taking place. </div>
Factors to be considered	(2) In making a determination under subsection 1, the Board shall have regard to the number of persons affected by the layoff or

plant closing, the economic importance of the industry to the community and region in which it is located, and such other factors as the Board considers to be appropriate.

- (3) Where the Board commences a study under subsection 1, the Board shall fix the time and place for a hearing in the community affected by the layoff or plant closing for the purpose of receiving representations from any person desiring to make representations, and the Board shall publish notice thereof in at least one newspaper having general circulation in the community as the Board considers appropriate. Hearing

- (4) The Board shall adopt such rules of procedure for a hearing under subsection 3 as the Board considers appropriate. Rules of procedure

6. The Board may designate a person to make an investigation into any layoff or plant closing and the person so designated shall report the result of his investigation to the Board and for the purposes of the investigation, the person making it has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. Investigation 1971, c. 49

7. Where the Board conducts an inquiry, it shall complete its inquiry into the plant closing or layoff and submit its report to the Minister at least ninety days before the closing date set out in the layoff notice and, in its report, the Board shall set out, Report on plant closing

- (a) its findings regarding the circumstances of the plant closing or layoff;
- (b) its findings regarding the economic impact of the plant closing or layoff on individual employees and the community;
- (c) an opinion by the Board as to whether the Board feels that the plant closing or layoff is justified; and
- (d) proposals to the Government for action designed to mitigate the harmful effect of the plant closing or layoff on the employees and the community,

and the report, upon being submitted to the Minister, shall be made available to any interested member of the public for examination.

- 8.—(1) The Minister, after considering the report of the Board, may make such order as the Minister considers reasonable in the circumstances to reduce the impact of the layoffs or plant closings on the individual employees and the community and Minister's order

without limiting the generality of the foregoing, the Minister may order,

- (a) that the employer make additional contributions to the pension plans of the employees;
- (b) the continuation of payment by the employer of the wages and benefits being received by the employees for a specified period of time;
- (c) that the employer defer the sale, removal or transportation of equipment, machinery, parts and inventory owned by the employer;
- (d) that the employer pay reasonable relocation costs to displaced employees;
- (e) that the employer participate in providing a skill training or retraining program for the employees;
- (f) that the employer make payments to the Community Adjustment Fund;
- (g) the employer to form Community Adjustment Committees;
- (h) that the employer make the plant available for sale;
- (i) any other reasonable and appropriate remedy.

Acquisition
of property

- (2) The Minister may, with the approval of the Lieutenant Governor in Council acquire on behalf of Her Majesty in right of Ontario or authorize an agency of the Government of Ontario to acquire all or part of the property of the employer for the purpose of continuing the operation of the enterprise for the benefit of the employees and the community.

Order

- (3) In an order under subsection 1 the Minister shall specify, if possible, the amount to be paid by the employer under the order and the employer is liable to pay that amount.

Enforcement

- (4) Where an employer fails to comply with an order under subsection 1 the remedy specified in the order is enforceable in a court of competent jurisdiction.

L.G. in C.
may confirm,
vary, or
rescind
order

- 9. Upon the petition of any employer affected by an order under section 8 filed with the Clerk of the Executive Council within twenty-eight days after the date of the order, the Lieutenant Governor in Council may confirm, vary or rescind the whole or any part of the order.

10.—(1) Every employer who, knowingly,

Offences

- (a) furnishes false information in an investigation under this Act;
- (b) fails to comply with an order under this Act; or
- (c) obstructs a person making an investigation under this Act,

is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$100,000 and not as provided therein. Corporations
- (3) Where a corporation has been convicted of an offence under subsection 1, each director and officer of the corporation is a party to the offence unless the director or officer satisfies the court that he did not authorize, permit or acquiesce in the offence. Directors and officers

PART II

COMMUNITY ADJUSTMENT FUND

- 11.—**(1) The Minister shall establish a fund, to be known as the Community Adjustment Fund, for the purpose of providing assistance to communities that are detrimentally affected by layoffs or plant closings. Community Adjustment Fund
- (2) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations respecting the establishment and administration of a Community Adjustment Fund and, without limiting the generality of the foregoing, may make regulations, Regulations
 - (a) respecting applications for assistance from the Fund;
 - (b) respecting entitlement to assistance from the Fund.

PART III

EMPLOYMENT STANDARDS ACT AMENDMENTS LABOUR RELATIONS ACT AMENDMENTS

- 12.—**(1) Subsections 1 and 2 of section 40 of *The Employment Standards Act, 1974*, being chapter 112, is repealed and the following substituted therefor: s. 40 (1, 2), re-enacted

Lay-off
deemed to be
termination

(1) In this Part, an employer shall be deemed to have terminated the employment of an employee when the employee has been laid off from his employment for a period of more than thirteen weeks in any period of more than twenty weeks.

Notice of
termination

(1a) No employer shall terminate the employment of an employee who has been employed for three months or more unless he gives,

- (a) four weeks notice in writing to the employee if his period of employment is less than two years;
- (b) eight weeks notice in writing to the employee if his period of employment is two years or more but less than five years;
- (c) sixteen weeks notice in writing to the employee if his period of employment is five years or more but less than ten years; and
- (d) twenty-six weeks notice in writing to the employee if his period of employment is ten years or more.

Idem

(2) Notwithstanding subsection 1, no employer shall terminate the employment of fifty or more employees in any period of four weeks or less unless he gives twenty-six weeks notice in writing to each employee and the Job Protection Board and such notice has expired.

s. 40 (5),
re-enacted

(2) Subsection 5 of the said section 40 is repealed and the following substituted therefor:

Employer to
co-operate
with
Minister

(5) Where an employer is required to give the notice referred to in subsection 2, he shall co-operate with the Minister in any action or program intended to facilitate the re-establishment in employment of the employees whose employment is to be terminated.

s. 40 (7),
re-enacted

(3) Subsection 7 of the said section 40 is repealed and the following substituted therefor:

Termination
pay

(7) Where the employment of an employee is terminated under subsection 1 or 2 the employer shall pay the employee termination pay equal to the wages that the employee receives at his regular rate for a regular non-overtime work week multiplied by the number corresponding to the number of years of service that the employee has earned in the employment.

Calculation

(7a) For the purpose of subsection 7, a portion of a year served by an employee shall be included in the calculation of termination pay as a prorated amount.

(7b) Where the employment of an employee is terminated contrary to this section, the employer shall pay to employee termination pay in addition to termination pay under subsection 7 in an amount equal to the wages that the employee would have been entitled to receive at his regular rate for a regular non-overtime work week for the period of notice prescribed by subsection 1 or 2, and any wages to which he is entitled.

Where employment terminated contrary to section

(4) The said Act is amended by adding thereto the following section:

s. 40a, enacted

40a.—(1) An employer who terminates the employment of employees under subsection 2 of section 40 shall give reasonable notice and a right of first refusal on the basis of seniority for at least six month to these employees of new employment positions available at any plants or other locations owned or operated by the employer in Ontario.

Notice of new positions

(2) Where an employee whose employment was terminated under subsection 2 of section 40 applies for one of the new employment positions referred to in subsection 1, the employer shall offer the position to the employee unless the employee lacks the skills to perform the work or unless the employer offers the position to a more qualified employee who is also an employee terminated under subsection 2 of section 40.

Employer to offer new positions to former employees

(3) Where an employee is aggrieved by a decision under subsection 2, the employee may apply for a review of the decision by the Job Protection Board established by *The Job Security Act, 1980*, and the Board, upon completion of a hearing, may affirm the decision of the employer or rescind that decision and require the employer to offer the position to the aggrieved employee.

Review 1980, c. ...

13.—(1) Subsection 1 of section 55 of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, is amended by inserting after “section” in the first line “and section 55a”.

s. 55 (1), amended

(2) The said Act is further amended by adding thereto the following section:

s. 55a, enacted

55a.—(1) Where an employer relocates his business, the employer is bound by determination, agreements and proceedings made under this Act in respect of the business before the date of the relocation until the Board otherwise declares, and the determinations, agreements and proceedings shall continue in effect as if no change has occurred except that the description of the bargaining unit contained in the certificate or collective agreement is deemed to be amended to include the new location.

Relocation rights

Continuation
of
employment

(2) An employer shall provide reasonable notice to his employees of any decision to relocate his business and the employer shall permit an employee affected thereby sixty days from the date of the notice of relocation to accept employment at the new location.

Exception

(3) Notwithstanding subsection 2, an employer is not required to continue the employment of an employee if the employer no longer requires work to be performed in the new location of the same nature as work performed by the employee in the former location and the employer no longer requires the skills possessed by the employee for any work performed at the new location.

Remedial
power of
Board

(4) Where a business has been relocated and a trade union or council of trade unions was the bargaining agent of any of the employees of the business in the former location or a trade union or council of trade unions is the bargaining agent of the employees of a similar business being carried on in the area of the new location, and,

- (a) any question arises concerning the application of this section; or
- (b) any person, trade union or council of trade unions claims that, by virtue of the operation of subsection 1, a conflict exists between the bargaining rights of the trade union or council of trade unions that was the bargaining agent of the employees of the business in the former location and a trade union or council of trade unions that represents employees of a similar business being carried on in the area of the new location,

the Board may, upon the application of any person, trade union or council of trade unions concerned,

- (c) define the composition of the bargaining unit for the business in the new location and certify a trade union or council of trade unions as the bargaining agent of employees in the bargaining unit; and
- (d) amend, to such extent as the Board considers necessary, any bargaining unit in any certificate issued to a trade union or council of trade unions before the relocation or any bargaining unit defined in any collective agreement concluded before the relocation.

PART IV

PENSION BENEFITS ACT AMENDMENTS

- 14.—(1) Section 16 of *The Pension Benefits Act*, being chapter 342 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 16,
re-enacted

16. The Lieutenant Governor in Council may establish or designate an agency to be known as the Central Pension Agency for the purposes, among others, of receiving, holding, investing and disbursing pension benefit credits under this Act. Central
Pension
Agency

- (2) Clause *a* of subsection 1 of section 21 of the said Act is repealed and the following substituted therefor: s. 21 (1) (a),
re-enacted

(a) a member of the plan who has been in the service of the employer for a continuous period of five years, or has been a member of the plan for such period, is entitled, upon termination of his employment prior to his attaining retirement age, or upon termination of his membership in the plan prior to his attaining retirement age, to a deferred life annuity commencing at his normal retirement age equal to the pension benefits (except benefits provided by voluntary additional contributions) provided in respect of service as an employee in Ontario or in a designated province,

(i) under the terms of the plan in respect of service on or after the qualification date,

(ii) by an amendment to the terms of the plan made on or after the qualification date, or

(iii) by the creation of a new pension plan on or after the qualification date.

- (3) The said Act is amended by adding thereto the following section: s. 25b,
enacted

25b. Where a pension plan is terminated or wound up, the employee may direct that the pension benefits to which he is entitled at the date of termination or winding up of the pension plan be transferred to the Central Pension Agency or to another pension plan in which he becomes a member. Continuation
of benefits
or plan
wound up

- (4) Section 28 of the said Act is amended by adding thereto the following clause: s. 28,
amended

(p) respecting the composition, administration and financing of the Central Pension Agency.

Commence-
ment

15. This Act Comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is *The Job Security Act, 1980*.

BILL 156

An Act respecting the
Security of Employment in Ontario

1st Reading

October 6th, 1980

2nd Reading

3rd Reading

MR. DAVIDSON

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act respecting Economic Equality for Women in Ontario



MR. CHARLTON

EXPLANATORY NOTE

The Bill establishes the Equal Employment Office in the Ministry of Labour and the Equal Employment Tribunal. The Bill requires designated employers to report to the Equal Employment Office information relating to rates of pay and the number of male and female employees in occupational categories. The Director of the Equal Employment Office is authorized to order an employer to prepare an affirmative action program. Where an employer disagrees with the Director's order, or where the employer and Director cannot agree on an affirmative action program, an application may be made to the Tribunal to resolve the dispute. The Bill also contains provisions requiring the Government of Ontario to develop a comprehensive skills training and apprenticeship plan designed to increase the number of women in occupational categories in which women are traditionally under-represented. The Bill declares the right of every person in Ontario to accessible, quality daycare service for children for whom the person is responsible. The Bill also contains amendments to *The Employment Standards Act, 1974* establishing the principle of equal pay for work of equal value and constituting sexual harassment as an offence under that Act.

BILL 157

1980

An Act respecting Economic Equality for Women in Ontario

WHEREAS it is public policy to advance the economic rights of citizens; and whereas unequal and discriminatory conditions of employment for women exact tremendous economic and social costs on both the persons directly affected and the communities in which they reside; and whereas action is urgently needed to ensure increased employment of women in occupations where they are under-represented, to establish apprenticeship and skills training programs, to give women access to non-traditional occupations, to provide accessible, quality child care, to ensure equal pay for work of equal value and to ensure freedom from sexual harassment in the work place;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The purpose of this Act is to provide for,
 - (a) affirmative action programs designed to achieve increased employment of women in occupational categories and sectors of the labour force in which women employees are under-represented;
 - (b) the establishment of an apprenticeship and skills training plan designed to increase the employment of women in occupational categories in which women employees are under-represented;
 - (c) provision of universally accessible quality daycare services;
 - (d) the establishment and enforcement of equal pay for work of equal value;
 - (e) protection from sexual harassment in the workplace.

Purpose

2. In this Act,

Interpre-
tation

(a) "Director" means the Director of the Equal Employment Office;

(b) "Minister" means the Minister of Labour;

(c) "Tribunal" means the Equal Employment Tribunal.

Adminis-
tration

3. The Minister of Labour is responsible for the administration of this act, except section 15.

Equal
Employment
Office

4. There shall be an office in the Ministry of Labour to be known as the Equal Employment Office and the Equal Employment Office shall,

(a) assist employers in the preparation of affirmative action plans;

(b) receive and analyze reports and monitor the affirmative action plans filed in the office.

Director

5. There shall be a Director of the Equal Employment Office and the Director shall perform such duties and exercise such powers as are given to or conferred upon the Director under this or any other Act.

Employer
reports

6. Every employer in a class of employers designated in the regulations shall report to the Office of Equal Employment such information relating to the employment practices, rates of pay, and the number of male and female employees in occupational categories as prescribed by the regulations.

Order to
establish
affirmative
action
programs

7.—(1) Where, upon examination of the reports filed under section 5, the Director is of the opinion that the number of female employees in an occupational category is under-representative of the participation rate of females in the labour force, the Director may order the employer to establish an affirmative action program for that occupational category.

Employer's
duty

(2) Where the Director makes an order under subsection 1, the employer shall commence the preparation of an affirmative action program forthwith and the Office of Equal Employment shall assist the employer in preparing the program.

Target
dates

(3) Every affirmative action program approved by the Director shall contain target dates for the placement of women in the occupational categories in which women are under-represented and a timetable for achieving those target dates.

Affirmative
action
program
binding

8.—(1) Where the employer and the Equal Employment Office agree upon an affirmative action program, the Director

may approve the program and, upon approval by the Director, the affirmative action program is binding upon the employer.

(2) Where the employer and the Director are unable to agree upon an affirmative action program, the Director may apply to the Tribunal for a determination and, upon completion of a hearing, the Tribunal shall settle the terms of an affirmative action program that is binding on the employer. Where employer and Director disagree

9.—(1) There shall be a tribunal to be known as the Equal Employment Tribunal composed of such members as are appointed by the Lieutenant Governor in Council. Equal Employment Tribunal

(2) The Tribunal shall hold such hearings and perform such other duties as are assigned to it by or under this Act. Duties

(3) The Lieutenant Governor in Council shall appoint five persons to be members of the Tribunal and shall appoint one of such members as chairperson and one or more other such members as vice-chairperson. Members

(4) Three members of the Tribunal, one of whom shall be the chairperson or vice-chairperson, constitute a quorum and may exercise all the powers of the Tribunal notwithstanding any vacancy in the membership. Quorum

(5) The chairperson shall have general supervision and direction over the conduct of the affairs of the Tribunal, and shall arrange the sittings of the Tribunal and assign members to conduct hearings as the circumstances require. Duties

(6) The Tribunal shall prepare and annually publish a summary of its decisions and the reasons therefor. Publishing reports

(7) The Lieutenant Governor in Council may appoint a Registrar for the Tribunal who shall perform such duties as are assigned to him or her under this Act or by the chairperson of the Tribunal. Registrar of the Tribunal

(8) The Registrar of the Tribunal and every member of the Tribunal have power to administer oaths and affirmations for the purpose of any of its proceedings. Administration of oaths

10.—(1) Where the Director believes on reasonable and probable grounds that an employer has failed to comply with an order of the Director under section 6 or is failing to comply with a binding affirmative action program, the Director may order the employer to comply with section 6 or 7, as the case may be. Order to comply

(2) Where the Director proposes to make an order under subsection 1, the Director shall serve notice of the proposed order on Notice of proposal

the employer and a representative of the employees together with written reasons therefor.

Request for
hearing

(3) A notice under subsection 2 shall inform the employer named in the order that the employer is entitled to a hearing by the Tribunal if the employer mails or delivers within fifteen days after the notice under subsection 2 is served on him notice in writing requiring a hearing to the Director and the Tribunal and the employer may so require a hearing.

Failure to
request
hearing

(4) Where the employer upon whom a notice is served under subsection 2 does not require a hearing, the Director may carry out the proposed order stated in the notice.

Hearing

(5) Where an employer requests a hearing by the Tribunal in accordance with subsection 3, the Tribunal shall appoint a time for and hold the hearing and, on the application of the Director at the hearing, may by order direct the Director to carry out the proposed order or to take such action as the Tribunal considers the Director ought to take in accordance with this Act and for such purposes the Tribunal may substitute its opinion for that of the Director.

Conditions

(6) The Tribunal may attach such terms and conditions to its order as it considers proper to give effect to the purposes of this Act.

Investi-
gations by
order of
Minister

11. The Minister may by order appoint a person to make an investigation into any matter to which this Act applies as may be specified in the Minister's order and the person appointed shall report the result of his investigation to the Minister and, for the purposes of the investigation, the person making it has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act.

1971, c. 49

Offences

12.—(1) Every person who, knowingly,

- (a) submits a false report under section 5;
- (b) furnishes false information in an investigation under this Act;
- (c) fails to comply with an order made under this Act; or
- (d) obstructs a person making an investigation under section 10,

is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 and to imprisonment for a term of not more than one year,

(2) Where a corporation is convicted under subsection 1, the maximum penalty that may be imposed upon the corporation is \$50,000. Corporations

(3) When a corporation is convicted of an offence, each director or officer is a party to the offence unless he satisfies the court that he did not authorize, permit or acquiesce in the offence. Directors and officers

13. The Lieutenant Governor in Council may make regulations, Regulations

(a) prescribing classes of employers for the purposes of section 5;

(b) prescribing forms and providing for their use;

(c) exempting any class of employer from this Act or any provision of this Act.

14.—(1) The Equal Employment Office shall identify, on the basis of information reported under section 5, those occupational categories in which women are under-represented. Identification of occupational categories

(2) The Government of Ontario shall develop a comprehensive skills training and apprenticeship plan designed to increase the number of women in each of the occupational categories identified under subsection 1 and to ensure that sufficient women are adequately trained in order to meet anticipated needs in the workforce for skilled tradespeople. Comprehensive skills training and apprenticeship plan

(3) The Equal Employment Office shall, after the close of each year, file with the Minister an annual report upon the skills training and apprenticeship plan. Annual report

(4) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session and the report shall then be referred to the Standing Committee on Economic Development. Referral to Standing Committee

15.—(1) Every person in Ontario has a right to accessible, quality daycare service for children for whom the person is responsible to ensure that the person is not impeded from accepting employment due to an inadequate provision of daycare services. Right to daycare

(2) The Minister responsible for the provision of daycare services shall, after the close of each year, prepare an annual report assessing the availability of daycare services in Ontario and evaluating whether the right described in subsection 1 is being protected by existing daycare programs. Annual report

Referral to
Standing
Committee

(3) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session and the report shall then be referred to the Standing Committee on Economic Development.

R.S.O. 1970,
c. 112,
s. 33,
re-enacted

16.—(1) Section 33 of *The Employment Standards Act, 1974*, being chapter 112, is repealed and the following substituted therefor:

PART IX

EQUAL PAY FOR WORK OF EQUAL VALUE

Equal pay
for work
of equal
value

33.—(1) No employer or person acting on behalf of an employer shall establish or maintain any difference in wages paid to a male and to a female employee employed in the same establishment who are performing work of equal value unless the difference is based on seniority or quantity of production.

Determination
by employment
standards
officer

(2) An employment standards officer may assess the value of work performed for the purposes of subsection 1 and, where the officer finds that an employer has failed to comply with subsection 1, the officer may determine the amount of moneys owing to an employee because of such non-compliance, and such amount shall be deemed to be unpaid wages.

Assessment
of value
of work

(3) In assessing the value of work performed by employees employed in the same establishment, the criterion to be applied is the composite of the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed.

Separate
establish-
ments

(4) Separate establishments established or maintained by an employer solely or principally for the purpose of establishing or maintaining differences in wages between male and female employees shall be deemed for the purposes of this Part to be a single establishment.

Pay not to
be reduced

(5) No employer shall reduce the rate of pay of an employee in order to comply with subsection 1.

Employer
not to be
requested to
contravene
subs. 1

(6) No organization of employers or employees or its agents shall cause or attempt to cause an employer to agree to or to pay to his employees wages that are in contravention of subsection 1.

Complaints

(7) A complaint that an employer contravenes this section may be made by one employee or any class of employees employed in the same establishment.

(8) An employer, employee or class of employees who is aggrieved by a decision or order made by an employment standards officer under this Part or section 47 may, within a period of fifteen days after the date of delivery, service or notice of the decision or order, or such longer period as the Director may for special reasons allow, apply for a review of the decision or order by way of a hearing before a referee and subsections 2 to 7 of section 50 apply to the review with necessary modifications except that the referee may make an order referred to in section 47 in addition to the powers conferred upon the referee by section 50.

Review and
hearing

(9) The Minister shall table a report annually in the Legislature on the progress of implementation and these reports shall be referred to The Standing Committee on Economic Development as established by *The Full Employment Act, 1980*.

Annual
report

1980, c. ...

17. The said Act is amended by adding thereto the following Part:

Part IX-A
(s. 33a),
enacted

PART IX-A

SEXUAL HARASSMENT

33a. No employer or person shall,

Sexual
harassment

- (a) refuse or threaten to refuse to employ any person;
- (b) dismiss or threaten to dismiss an employee;
- (c) discipline or threaten to discipline an employee;
- (d) suspend or threaten to suspend an employee;
- (e) refuse or threaten to refuse to promote, transfer or train an employee;
- (f) impose or threaten to impose any penalty upon an employee; or
- (g) intimidate or coerce an employee,

because of that person's rejection of sexual advances or refusal to consent to sexual contact or sexual intercourse.

18. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

19. The short title of this Act is *The Women's Economic Equality Act, 1980*.

Short title

An Act respecting
Economic Equality for Women in Ontario

1st Reading

October 6th, 1980

2nd Reading

3rd Reading

MR. CHARLTON

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act respecting Plant Closings in Ontario

MR. MACKENZIE



EXPLANATORY NOTE

The purpose of the Bill is to establish procedures for giving notice of plant closings in Ontario and to ensure disclosure of the circumstances related to the plant closings. The Bill requires an employer to provide twenty-six weeks notice to employees of a decision to close a plant. The Bill establishes a Public Audit Board to inquire into, evaluate and report on the circumstances relating to the closing of plants in Ontario. The Board is required to make a report on the plant closing to the Minister of Labour before the date on which the plant is scheduled to close and the Board's report must contain proposals for action designed to mitigate the harmful effect of the plant closing. The Bill also contains a provision clarifying that the Ontario Development Corporation is authorized to invest in a plant regarding which a notice of plant closing has been issued under the Act.

BILL 158

1980

An Act respecting Plant Closings in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding *The Employment Standards Act, 1974*, no employer shall terminate the employment of fifty or more employees in any period of four weeks or less by ceasing all or substantially all production at a plant owned or operated by the employer unless the employer gives twenty-six weeks notice in writing to each employee and such notice has expired.

Notice of
plant closing
1974, c. 112

(2) An employer who gives a notice under subsection 1 regarding a plant closing shall at the same time serve a copy of the notice upon the Public Audit Board established by section 3.

Service of
notice upon
Board

(3) Where the notice referred to in subsection 1 has been given,

Rates of
wages, etc.,
not to be
altered

(a) no employer shall alter the rates of wages or any other term or condition of employment of any employee to whom notice has been given;

(b) an employer shall pay to the employee during the period of notice the wages the employee is entitled to receive which in no case shall be less than his regular wages for a regular non-overtime work week; and

(c) upon the expiry of the notice, the employer shall pay to the employee any wages or vacation pay to which he is entitled.

(4) Where the employment of an employee is terminated contrary to this section, the employer shall pay the employee termination pay of an amount equal to the wages that the employee would have been entitled to receive at his regular rate for a regular non-overtime work week for the period of notice prescribed by subsection 1, and any wages to which he is entitled.

Where
employment
terminated
contrary
to section

Enforcement 1974, c. 112	(5) The provisions of this section shall be administered and enforced as if the provisions were enacted under <i>The Employment Standards Act, 1974</i> , with necessary modifications.
Employer to co-operate with Minister	2. Where an employer is required to give the notice referred to in subsection 1, the employer shall co-operate with the Minister of Labour in any action or program intended to facilitate the re-establishment in employment of the employees whose employment is to be terminated.
Public Audit Board	3.—(1) There is hereby established a Public Audit Board to be composed of five persons appointed by the Lieutenant Governor in Council.
Chairman	(2) The Lieutenant Governor in Council shall appoint one of the members of the Board, who shall be a full-time member, as chairman and may appoint one or more other such members as vice-chairmen.
Members of Board	(3) The Lieutenant Governor in Council shall appoint persons to the Board who are representative of industry and labour.
Quorum	(4) Three members of the Board, one of whom shall be the chairman or vice-chairman, constitute a quorum and may exercise all the powers of the Board notwithstanding any vacancy in the membership.
General supervision	(5) The chairman shall have general supervision and direction over the conduct of the affairs of the Board, and shall arrange the sittings of the Board and assign members to conduct hearings as circumstances require.
Registrar	(6) The Lieutenant Governor in Council may appoint a Registrar for the Board who shall perform such duties as are assigned to him under this or any other Act or by the chairman of the Board.
Oaths, affirmations	(7) The Registrar for the Board and every member of the Board have power to administer oaths and affirmations for the purpose of any of its proceedings.
Purpose of Board	4. The purpose of the Public Audit Board is to inquire into, evaluate and report on the circumstances relating to the closing of industrial and manufacturing plants in Ontario and to assess the economic impact of these plant closings on individual employees and communities affected thereby.
Study of plant closing	5.—(1) When the Board receives a notice of a plant closing, the Board shall forthwith commence a study of the circumstances relating to the plant closing and the economic impact thereof.

(2) Within fourteen days after the date on which the notice is ^{Hearing} received by the Board, the Board shall fix the time and place for a hearing within the community in which the plant is located for the purpose of receiving representations respecting the plant closing by any person desiring to make representations and the Board shall publish notice thereof in such newspapers having general circulation in the area as the Board considers appropriate.

(3) The Board shall adopt such rules of procedure for a hearing ^{Rules of procedure} under subsection 2 as the Board considers appropriate.

6.—(1) The Board may designate a person to make an investi- ^{Investigation} gation into any plant closing and the person so designated shall report the result of his investigation to the Minister of Labour and, for the purposes of the investigation, the person making it has all the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation as if it were an inquiry under that Act. ^{1971, c. 49}

(2) No person shall obstruct a person designated to make an ^{Obstruction of investigator} investigation under this section or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation.

7. The Board may at any time authorize and direct a rep- ^{Special audit} resentative of the Board appointed for that purpose to enter upon any premises where the books, accounts or records of or pertaining to any plant closing are kept or may be, and to inspect, study, audit, take extracts from such books, accounts or other records, and may, upon giving a receipt therefor, remove any such material that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that such copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the person being inspected, and no person shall obstruct the person inspecting or withhold or destroy, conceal or refuse to furnish any information or thing required by the person inspecting for the purposes of the inspection.

8. The Board shall complete its inquiry into the plant closing ^{Report on plant closing} and submit its report to the Minister of Labour at least thirty days before the closing date set out in the notice of the plant closing and, in its report, the Board shall set out,

- (a) its findings regarding the circumstances of the plant closing;
- (b) its findings regarding the economic impact of the plant closing on individual employees and the community;
- (c) an opinion by the Board as to whether the Board feels that the plant closing is justified; and

- (d) proposals to the Government for action designed to mitigate the harmful effect of the plant closing on the employees and the community.

Annual
report

9.—(1) The Board shall after the close of each year file with the Minister of Labour an annual report upon the affairs of the Board.

Tabling

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

1973, c. 84,
s. 12 (1) (e),
re-enacted;

10. Clause *e* of subsection 1 of section 12 of *The Development Corporations Act, 1973*, being chapter 84, is repealed and the following substituted therefor:

- (e) buy, hold, own, hire, maintain, control, take, lease, sell, assign, exchange, transfer, manage, improve, develop or otherwise deal in and dispose of, either absolutely or by way of security or otherwise, any property real and personal, movable and immovable, and assets generally, including industrial and manufacturing plants regarding which a notice of plant closing has been issued under *The Plant Closing Notice and Disclosure Act, 1980*.

1980, c. . .

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. The short title of this Act is *The Plant Closing Notice and Disclosure Act, 1980*.

BILL 158

An Act respecting
Plant Closings in Ontario

1st Reading

October 6th, 1980

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Member's Bill)

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Publication 7061

BILL 159

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

**An Act respecting the Licensing and Inspection
of Amusement Rides in Ontario**

MR. EATON

EXPLANATORY NOTE

The purpose of the Bill is to provide for the licensing and inspection of amusement rides in Ontario. The Bill requires that all amusement rides be licensed. A Director appointed under the Act is given the authority to revoke the licence for an amusement ride that does not comply with the Act. The Act provides for inspectors and specifies that the inspectors must apply the Midway Safety Code when conducting their inspections. It is an offence under the Act to operate an amusement ride that is not licensed or that is unsafe or to cause or permit an amusement ride to be operated in an unsafe manner.

BILL 159

1980

An Act respecting the Licensing and Inspection of Amusement Rides in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "amusement ride" means a roller coaster, ferris wheel or other device designed to entertain people by physically moving them and ordinarily used at a carnival, exhibition, fair or amusement park;
- (b) "Director" means the Director appointed under this Act;
- (c) "Minister" means the Minister of Consumer and Commercial Relations;
- (d) "owner" includes the person in charge of an amusement ride as licensee, lessee, agent or otherwise but does not include an attendant.

2.—(1) No person shall operate an amusement ride unless the amusement ride is licensed and it complies with this Act and the regulations. Licence
required

(2) No person shall operate an amusement ride or cause or permit it to be operated if the person has reason to believe that it is in an unsafe condition. Operation of
unsafe device
prohibited

(3) No person shall operate an amusement ride or cause or permit it to be operated in an unsafe manner. Unsafe
operation
prohibited

3.—(1) The Director shall issue a licence for an amusement ride or a renewal thereof to an applicant therefor subject to such terms and conditions as are prescribed in the regulations and as are agreed to by the applicant or licensee. Licence for
an amusement
ride

Where licence
may be refused

(2) The Director may refuse to grant or to renew a licence for an amusement ride, or may suspend or revoke such a licence where,

- (a) the amusement ride or the operation thereof does not comply with this Act or the regulations; or
- (b) the holder of the licence has failed to comply with an order of an inspector or is in contravention of this Act or the regulations.

Notice of
proposal

4.—(1) Where the Director proposes,

- (a) to refuse to grant or to renew a licence; or
- (b) to suspend or revoke a licence,

under section 3, he shall serve notice of his proposal together with written reasons therefor, on the applicant or licence holder, as the case may be.

Idem

(2) A notice under subsection 1 shall inform the applicant or licence holder that he is entitled to a hearing by a judge of the county or district court for the county or district in which he resides if he applies to a judge thereof within fifteen days after the notice under subsection 1 is served on him and he may so apply for such a hearing.

Power of
Director
where no
hearing

(3) Where an applicant or licence holder does not apply to a judge for a hearing in accordance with subsection 2, the Director may refuse to grant a licence or may carry out the proposal stated in his notice under subsection 1.

Appointment
for hearing

(4) Where an applicant or licence holder applies to a judge for a hearing in accordance with subsection 2, the judge shall in writing appoint a time and place for and hold the hearing.

Powers of
judge where
hearing

(5) Upon the application of the Director at the hearing, the judge may by order require the Director to grant the licence or permit him to carry out his proposal, or direct that such action as the judge considers proper be taken by the Director in accordance with this Act and the regulations and for such purposes the judge may substitute his opinion for that of the Director.

Service
of notice

(6) The Director may serve notice under subsection 1 personally or by registered mail addressed to the applicant or licence holder at his address last known to the Director and where notice is served by registered mail, the notice shall be deemed to have been served on the third day after the day of mailing unless the person to whom notice is being given establishes to the judge to

whom he applies for a hearing that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date.

(7) A judge to whom application is made by an applicant or licence holder for a hearing under this section may extend the time for making application, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or licence holder pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension. Extension of time for application

(8) Where, within the time prescribed therefor, or if no time is prescribed, prior to the expiry of his licence, a licence holder has applied for renewal of his licence or registration and paid the prescribed fee, his licence shall be deemed to continue, Continuation pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for applying for a hearing by a judge has expired and, where a hearing is applied for, until the judge has made his decision.

5.—(1) The Director, the applicant or licence holder who has applied for the hearing and such other persons as are specified by the judge are parties to the proceedings before a judge under section 4. Parties

(2) Notice of a hearing under section 4 shall afford to the licence holder a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the retention of the licence. Opportunity to achieve compliance

(3) An applicant or licence holder who is a party to proceedings under section 4 shall be afforded an opportunity to examine, before the hearing, any written or documentary evidence that will be produced or any report, the content of which will be given in evidence at the hearing. Recording evidence

(4) The oral evidence taken before a judge at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Idem

(5) The findings of fact of a judge pursuant to a hearing shall be based exclusively on evidence admissible on matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

Appeal to
Divisional
Court

6.—(1) Any party to proceedings before a judge under section 4 may appeal from the decision or order of the judge to the Supreme Court in accordance with the rules of court.

Record to
be filed

(2) Where notice of an appeal is served under this section, the judge shall forthwith file in the Supreme Court the record of the proceedings before him in which the decision or order was made, which, together with the transcript of the evidence before the judge if it is not part of the record of the judge, shall constitute the record in the appeal.

Minister
entitled to
be heard

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Powers of
court on
appeal

(4) The Supreme Court may, on the appeal, affirm the decision of the judge appealed from or may rescind it and make such new decision as the court considers proper under this Act and the regulations, and may order the Director to do any act or thing he is authorized to do under this Act and as the court considers proper, and for such purpose the court may substitute its opinion for that of the Director or of the judge, or the court may refer the matter back to the judge for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Reporting
accidents

7. Where an accident occurs in connection with an amusement ride that results in death or serious injury to any person, the owner shall notify the Director by telephone forthwith and the Director shall cause such investigation to be made as he considers necessary.

Appointment
of
inspectors
and
Director

8.—(1) Such inspectors as may be necessary to enforce this Act and the regulations may be appointed by the Minister and the Minister may designate one of the inspectors as the Director for the purposes of the general administration of this Act and the regulations including the supervision and direction of inspectors.

Nomination
of
inspectors

(2) The Minister may appoint as inspectors under this Act persons nominated by the Canadian Outdoor Amusement Association.

Certificate
of
appointment

(3) The Minister shall issue a certificate of appointment, bearing his signature or a facsimile thereof, to every inspector.

Production
of
certificate

(4) Every inspector, while in the exercise of any of his powers or duties under this Act, shall produce his certificate of appointment upon request.

Right to
examine person
under oath

9. For the purpose of an inspection or an investigation under this Act, the Director may, by notice in writing, require the attendance before him of any person at any time and place named

in the notice and may then and there examine such person under oath regarding any matter pertaining to the inspection.

10.—(1) An inspector may, for the purposes of carrying out his duties under this Act and the regulations, Powers of inspectors

- (a) subject to subsection 3, at any time without a warrant, enter in or upon a premises where an amusement ride is being installed or operated and inspect an amusement ride;
- (b) require the production of any licence, report or record required by this Act or the regulations and examine and copy the same and may require information from any person concerning any matter related to an amusement ride or the operation thereof;
- (c) require the owner or operator of an amusement ride to do or refrain from doing anything the inspector considers necessary during an inspection;
- (d) make such examinations, tests or inquiries as may be necessary to ensure compliance with this Act and the regulations.

(2) In carrying out his duties under this Act, an inspector shall apply the Midway Safety Code (CSA Standard Z267-1971) and such other safety codes as are prescribed by the regulations. Safety codes

(3) An inspector shall not enter any room or place actually being used as a dwelling where the occupier refuses entry except under the authority of a search warrant issued under section 142 of *The Provincial Offences Act, 1979*. Limit on power to enter 1979, c. 4

11.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act and the regulations. Obstructing inspector prohibited

(2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination or inquiry by an inspector in the exercise of his powers and duties under this Act and the regulations. Assisting inspector

12.—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or omission by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations. Liability of inspector

Liability
of Crown
R.S.O. 1970,
c. 365

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in like manner as if subsection 1 had not been enacted.

Certificate
as evidence

13. A statement as to the licensing or non-licensing of any amusement ride purporting to be certified by the Director is, without proof of the office or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Offence

14. Every person who,

- (a) fails to comply with any provision of this Act or the regulations;
- (b) knowingly makes a false statement in any document required by this Act or the regulations;
- (c) fails to comply with a term or condition of a licence; or
- (d) fails to comply with an order or requirement of an inspector,

is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

Regulations

15. The Lieutenant Governor in Council may make regulations,

- (a) respecting the installation, operation, maintenance and inspection of amusement rides;
- (b) providing for and requiring the keeping of records regarding the design, construction, installation, repair, maintenance, alteration and use of amusement rides;
- (c) respecting the term, issue and renewal of licences, the transfer of licences and the terms and conditions that may be attached to licences;
- (d) prescribing forms and providing for their use.

Commence-
ment

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. The short title of this Act is *The Amusement Ride Safety Act, 1980*.

An Act respecting the Licensing and
Inspection of Amusement Rides in Ontario

1st Reading

October 7th, 1980

2nd Reading

3rd Reading

MR. EATON

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ⁷ONTARIO
29 ELIZABETH II, 1980 *24 Sept 1980*

An Act to amend The Labour Relations Act

MR. MACKENZIE

EXPLANATORY NOTE

Section 1 of the Bill repeals a provision in the Act that permits an employer to request, either before or after the commencement of a strike or lock-out, that a vote be held on the employer's last offer. Section 2 of the Bill repeals a provision of the Act that permits employees in a bargaining unit who are not members of the trade union to participate in a strike vote or a vote to ratify a proposed collective agreement.

BILL 160

1980

An Act to amend The Labour Relations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 34e of *The Labour Relations Act*, being chapter 232 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1980, chapter 34, section 1, is repealed. s. 34e,
repealed
2. Subsection 4a of section 63 of the said Act, as enacted by the Statutes of Ontario, 1980, chapter 34, section 3, is repealed. s. 63 (4a),
repealed
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is *The Labour Relations Amendment Act, 1980*. Short title
1980.

BILL 160

An Act to amend
The Labour Relations Act

1st Reading

October 7th, 1980

2nd Reading

3rd Reading

MR. MACKENZIE

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 *Legislative Assembly*

An Act to amend The Ontario Heritage Act, 1974

MRS. CAMPBELL



EXPLANATORY NOTE

The purpose of the Bill is to make several amendments to *The Ontario Heritage Act, 1974*. Section 1 of the Bill removes the 180 day limitation on the ability of a municipality to prohibit the demolition or removal of a building or structure that has been designated under the Act. Section 2 of the Bill enacts a new Part V-A of the Act that provides powers to the Minister of Culture and Recreation to designate properties of historic or architectural value in Ontario. These powers are similar to the powers already provided to municipalities under the Act. The Bill also contains a provision permitting the Minister to provide assistance to individuals, institutions, agencies, organizations and municipalities for the purpose of conserving buildings of historic or architectural value in Ontario.

BILL 161

1980

**An Act to amend
The Ontario Heritage Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Clause *b* of subsection 2 of section 34 of *The Ontario Heritage Act, 1974*, being chapter 122, is repealed and the following substituted therefor: s. 34 (2) (b),
re-enacted

(b) refuse the application,

-
- (2) Subsection 4 of the said section 34 is repealed. s. 34 (4),
repealed
- (3) Subsection 5 of the said section 34 is repealed and the following substituted therefor: s. 34 (5),
re-enacted

(5) Where the council consents to an application under clause *a* of subsection 2, or is deemed to have consented to an application under subsection 3, the council shall pass a by-law repealing the by-law or part thereof designating the property and shall cause, By-law
designating
property
to be
repealed

- (a) a copy of the repealing by-law to be served on the owner and on the Foundation;
- (b) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality;
- (c) reference to the property to be deleted from the Register referred to in subsection 1 of section 27; and
- (d) a copy of the repealing by-law to be registered against the property affected in the proper land registry office.

- 2.** The said Act is amended by adding thereto the following Part: ss. 39a-39f,
enacted

PART V-A

CONSERVATION OF BUILDINGS OF HISTORIC
OR ARCHITECTURAL VALUE

DESIGNATION OF PROPERTIES BY MINISTER

Proposed
designation

39a.—(1) Where the Minister intends to designate property within a municipality to be of historic or architectural value or interest, the Minister shall cause notice of intention to designate to be given in accordance with subsection 2.

Notice of
intention

(2) Notice of intention to designate under subsection 1 shall be,

- (a) served on the owner of the property and on the Foundation; and
- (b) published in a newspaper having general circulation in the municipality.

Contents
of notice

(3) Notice of intention to designate under subsection 2 shall contain,

- (a) an adequate description of the property so that it may be readily ascertained;
- (b) a statement of the reason for the proposed designation; and
- (c) a statement that notice of objection to the designation may be served on the Minister within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality.

Objection

(4) A person who objects to a proposed designation shall, within thirty days after the date of first publication of the notice of intention in a newspaper having general circulation in the municipality, serve on the Minister a notice of objection setting out the reasons for the objection and all the relevant facts.

Where no
notice of
objection

(5) Where no notice of objection is served within the thirty-day period under subsection 4, the Minister shall,

- (a) issue an order designating the property and cause a copy of the order together with reasons for the designation,
 - (i) to be registered against the property affected in the proper land registry office,
 - (ii) to be served on the owner and the Foundation,

and publish a notice of the order in a newspaper having general circulation in the municipality; or

- (b) withdraw the notice of intention to designate the property by serving and publishing notice of the withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 2.

(6) Where a notice of objection has been served under subsection 4, the Minister shall, upon expiration of the thirty-day period under subsection 3, refer the matter to the Review Board for a hearing and report. Referral to Review Board

(7) Pursuant to a reference by the Minister under subsection 6, the Review Board, as soon as is practicable, shall hold a hearing open to the public to determine whether the property in question should be designated, and the Minister, the owner, and any person who has filed an objection under subsection 4 and such other persons as the Review Board may specify, are parties to the hearing. Hearing

(8) A hearing under subsection 7 shall be held at such place in the municipality in which the property is situated as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality at least ten days prior to the date of such hearing. Idem

(9) The Review Board may combine two or more related hearings and conduct them in all respects and for all purposes as one hearing. Review Board may combine hearings

(10) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 7. Application of 1971, c. 47

(11) Within thirty days after the conclusion of a hearing under subsection 7, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Part and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing. Report

(12) Where the Review Board fails to make a report within the time limited by subsection 11, such failure does not invalidate the procedure. Failure to report

(13) After considering the report under subsection 11, the Minister without a further hearing shall, Decision of Minister

- (a) issue an order designating the property and cause a copy of the order together with reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and the Foundation,

and publish a notice of the order in a newspaper having general circulation in the municipality; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of the withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 3,

and the Minister's decision is final.

Revocation
of order

39b.—(1) Where the Minister intends to revoke an order or part thereof designating property, the Minister shall cause notice of intention to revoke the order or part thereof to be given in accordance with subsection 2.

Notice of
intention

(2) Notice of intention to revoke an order or part thereof under subsection 1 shall be,

(a) served on the owner of the property and on the Foundation; and

(b) published in a newspaper having general circulation in the municipality.

Contents
of notice

(3) Notice of intention to revoke an order or part thereof under subsection 1 shall contain,

(a) an adequate description of the property so that it may be readily ascertained;

(b) a statement of the reason for the proposed revoking order; and

(c) a statement that notice of objection to the revoking order may be served on the Minister within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality.

Objection

(4) A person who objects to a proposed revoking order shall object to the revoking order in the manner set out in subsection 4 of section 39a.

Idem

(5) Subsections 5 to 13 of section 39a as they apply to an intention to designate a property shall apply with necessary mod-

ifications to an intention to revoke an order or part thereof designating a property under this section.

(6) Where the Minister issues an order revoking the designation of a property under this section, the Minister shall cause the clerk of the appropriate municipality to delete any reference to the property from the Register referred to in subsection 1 of section 27. ^{Deletion from Register}

39c.—(1) No owner of property designated under this Part shall demolish or remove any building or structure on such property or permit the demolition or removal of any building or structure on such property unless he applies to the Minister and receives consent in writing to such demolition or removal. ^{Application for demolition}

(2) The Minister shall consider an application under subsection 1 and within ninety days of receipt thereof shall, ^{Decision of Minister}

(a) consent to the application; or

(b) refuse the application,

and shall cause notice of the decision,

(c) to be given to the owner and to the Foundation; and

(d) to be published in a newspaper having general circulation in the municipality,

and the Minister's decision is final.

(3) The applicant and the Minister may agree to extend the time under subsection 2 and, where the Minister fails to notify the applicant of the decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the Minister shall be deemed to have consented to the application. ^{Extension of time}

(4) Where the Minister consents or is deemed to have consented to an application, the Minister shall issue an order revoking the order designating the property and shall cause, ^{When demolition may proceed}

(a) a copy of the revoking order to be served on the owner and on the Foundation;

(b) notice of the revoking order to be published in a newspaper having general circulation in the municipality;

(c) reference to the property to be deleted from the Register referred to in subsection 1 of section 27; and

(d) a copy of the revoking order to be registered against the property affected in the proper land registry office.

New owner
to give
notice

39d. Every person who becomes the owner of property designated under this Part shall give notice to the Minister of the change of ownership within thirty days of becoming owner of the property.

Purchase
or lease

39e.—(1) The Minister may acquire, by purchase, lease or otherwise, any property or part thereof designated under this Part, including any interest therein, for the use or purposes of this Part and for disposing of such property or any interest therein, by sale, lease or otherwise dispose of the property, when no longer so required, upon such terms and conditions as the Minister considers necessary for the purposes of this Part.

Expropriation
R.S.O. 1970,
c. 154

(2) Subject to *The Expropriations Act*, the Minister may, by order, expropriate any property designated under this Part and required for the purposes of this Part and may sell, lease or otherwise dispose of the property, when no longer so required, upon such terms and conditions as the Minister considers necessary for the purposes of this Part.

Assistance

39f. The Minister may provide financial assistance to individuals, institutions, agencies, organizations and municipalities for the purpose of conserving buildings of historic or architectural value in Ontario.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is *The Ontario Heritage Amendment Act, 1980*.

BILL 161

An Act to amend
The Ontario Heritage Act, 1974

1st Reading

October 7th, 1980

2nd Reading

3rd Reading

Mrs. CAMPBELL

(Private Member's Bill)

3
F BILL 162

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Ministry of the Environment Act

MR. ISAACS

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to confer responsibility on the Minister of the Environment to manage all aspects of a spill or accumulation of hazardous or toxic substances that may endanger public health or safety and that has been designated an environmental disaster by the Legislative Assembly of Ontario.

BILL 162

1980

**An Act to amend
The Ministry of the Environment Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of the Environment Act*, being chapter 112 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 4a,
enacted

4a.—(1) Notwithstanding any other Act, the Minister shall assume responsibility for all aspects of the management of any spill or accumulation of hazardous or toxic substances that may endanger public health or safety and that has been designated an environmental disaster under subsection 2. Environmental
disaster

(2) The Legislative Assembly of Ontario may designate, by resolution or otherwise, any spill or accumulation of hazardous or toxic substances to be an environmental disaster for the purposes of subsection 1. Designation

2. This Act comes into force on the 14th day of October, 1980. Commence-
ment

3. The short title of this Act is *The Ministry of the Environment Amendment Act, 1980*. Short title

An Act to amend
The Ministry of the Environment Act

1st Reading

October 9th, 1980

2nd Reading

3rd Reading

MR. ISAACS

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ¹⁶ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to declare the Upper Ottawa Street
Landfill Site to be an Environmental Disaster

MR. ISAACS



EXPLANATORY NOTE

The purpose of the Bill is to declare the Upper Ottawa Street Landfill Site in the City of Hamilton an environmental disaster. This Bill is complementary to Bill 162 entitled *The Ministry of the Environment Amendment Act, 1980* that confers responsibility upon the Minister of the Environment to manage all aspects of any environmental disaster designated by the Legislative Assembly of Ontario.

BILL 163

1980

An Act to declare the Upper Ottawa Street Landfill Site to be an Environmental Disaster

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. For the purposes of section 4a of *The Ministry of the Environment Act*, the landfill site located in the City of Hamilton in The Regional Municipality of Hamilton-Wentworth and known municipally as the Upper Ottawa Street Landfill Site is hereby designated an environmental disaster. Designation
of
environ-
mental
disaster
2. This Act comes into force on the 15th day of October, 1980. Commence-
ment
3. The short title of this Act is *The Upper Ottawa Street Environmental Disaster Act, 1980*. Short title

BILL 163

An Act to declare the Upper
Ottawa Street Landfill Site
to be an Environmental Disaster

1st Reading

October 9th, 1980

2nd Reading

3rd Reading

MR. ISAACS

(Private Member's Bill)

BILL 164

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Insurance Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTIONS 1 AND 2. Paragraphs 30 and 35 of section 1 of the Act now read as follows:

30. *"insurance" means the undertaking by one person to indemnify another person against loss or liability for loss in respect of a certain risk or peril to which the object of the insurance may be exposed, or to pay a sum of money or other thing of value upon the happening of a certain event;*

35. *"life insurance" means insurance whereby an insurer undertakes to pay insurance money,*

(a) on death; or

(b) on the happening of an event or contingency dependent on human life; or

(c) at a fixed or determinable future time; or

(d) for a term dependent on human life,

and, without restricting the generality of the foregoing, includes accidental death insurance but not accident insurance.

Paragraph 30 is re-enacted and clause g of paragraph 35 is enacted to clarify that an annuity contract entered into by an insurer is, and is deemed always to have been, life insurance for the purposes of the Act.

Clause m of section 145 of the Act which will be repealed by section 2 of the Bill now reads as follows:

(m) "life insurance" includes disability insurance and accidental death insurance.

The proposed clauses e and f of paragraph 35 of section 1 will eliminate the need for this definition of "life insurance".

BILL 164

1980

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraphs 30 and 35 of section 1 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 1, pars. 30
and 35,
re-enacted

30. "insurance" means the undertaking by one person to indemnify another person against loss or liability for loss in respect of a certain risk or peril to which the object of the insurance may be exposed, or to pay a sum of money or other thing of value upon the happening of a certain event and includes life insurance;

.

35. "life insurance" means an undertaking by an insurer to pay insurance money,

- (a) on death; or
- (b) on the happening of an event or contingency dependent on human life; or
- (c) at a fixed or determinable future time; or
- (d) for a term dependent on human life,

and, without restricting the generality of the foregoing, includes,

- (e) accidental death insurance but not accident insurance;
- (f) disability insurance; and

- (g) an undertaking entered into by an insurer to provide an annuity or what would be an annuity except that the periodic payments may be unequal in amount and such an undertaking shall be deemed always to have been life insurance.

s. 145 (*m*),
repealed

2. Clause *m* of section 145 of the said Act is repealed.

s. 218 (1-3),
re-enacted

3. Subsections 1, 2 and 3 of section 218 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 75, section 1, are repealed and the following substituted therefor:

Minimum
liability
under policy

- (1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of at least \$200,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property.

Priorities

- (2) The contract shall be interpreted to mean that where, by reason of any one accident, liability results from bodily injury or death and from loss of or damage to property,

- (a) claims against the insured arising out of bodily injury or death have priority to the extent of \$190,000 over claims arising out of loss of or damage to property; and
- (b) claims against the insured arising out of loss of or damage to property have priority to the extent of \$10,000 over claims arising out of bodily injury or death.

Minimum
limits
where
separate
limits
designated

- (3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least \$200,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and a limit of liability of at least \$200,000, exclusive of interest and costs, against liability for loss of or damage to property.

Commence-
ment

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 3 comes into force on the 1st day of March, 1981.

Short title

5. The short title of this Act is *The Insurance Amendment Act, 1980*.

SECTION 3. Subsections 1, 2 and 3 of section 218 of the Act are re-enacted with the following changes only:

1. In section 218 (1), the limit is increased to \$200,000 from \$100,000.
2. In section 218 (2) (a), the limit is increased to \$190,000 from \$95,000.
3. In section 218 (2) (b), the limit is increased to \$10,000 from \$5,000.
4. In section 218 (3), the minimum limit for both bodily injury and property damage is increased to \$200,000 from \$100,000.

BILL 164

An Act to amend The Insurance Act

1st Reading

October 10th, 1980

2nd Reading

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

(Government Bill)

BILL 164

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Insurance Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 164

1980

An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraphs 30 and 35 of section 1 of *The Insurance Act*, being chapter 224 of the Revised Statutes of Ontario, 1970, are repealed and the following substituted therefor: s. 1, pars. 30
and 35,
re-enacted

30. "insurance" means the undertaking by one person to indemnify another person against loss or liability for loss in respect of a certain risk or peril to which the object of the insurance may be exposed, or to pay a sum of money or other thing of value upon the happening of a certain event and includes life insurance;

.

35. "life insurance" means an undertaking by an insurer to pay insurance money,

(a) on death; or

(b) on the happening of an event or contingency dependent on human life; or

(c) at a fixed or determinable future time; or

(d) for a term dependent on human life,

and, without restricting the generality of the foregoing, includes,

(e) accidental death insurance but not accident insurance;

(f) disability insurance; and

- (g) an undertaking entered into by an insurer to provide an annuity or what would be an annuity except that the periodic payments may be unequal in amount and such an undertaking shall be deemed always to have been life insurance.

s. 145 (m),
repealed

2. Clause *m* of section 145 of the said Act is repealed.

s. 218 (1-3),
re-enacted

3. Subsections 1, 2 and 3 of section 218 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 75, section 1, are repealed and the following substituted therefor:

Minimum
liability
under policy

- (1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of at least \$200,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property.

· Priorities

- (2) The contract shall be interpreted to mean that where, by reason of any one accident, liability results from bodily injury or death and from loss of or damage to property,

- (a) claims against the insured arising out of bodily injury or death have priority to the extent of \$190,000 over claims arising out of loss of or damage to property; and
- (b) claims against the insured arising out of loss of or damage to property have priority to the extent of \$10,000 over claims arising out of bodily injury or death.

Minimum
limits
where
separate
limits
designated

- (3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least \$200,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and a limit of liability of at least \$200,000, exclusive of interest and costs, against liability for loss of or damage to property.

Commence-
ment

4.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 3 comes into force on the 1st day of March, 1981.

Short title

5. The short title of this Act is *The Insurance Amendment Act, 1980*.

An Act to amend The Insurance Act

1st Reading

October 10th, 1980

2nd Reading

October 28th, 1980

3rd Reading

November 14th, 1980

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend
The Motor Vehicle Accident Claims Act

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The new section 22 (1) of the Act provides that payments out of the Fund in respect of damages for injury or death caused by an uninsured motor vehicle after the 1st day of March, 1981 may be made up to an amount of \$200,000. This increases the present maximum payment of \$100,000.

The new section 22 (1*a*) of the Act is a re-enactment of the former section 22 (1) with the words “and before the 1st day of March, 1981” inserted after “the 1st day of January, 1977”. The effect is to leave unchanged the present maximum payment in respect of an accident occurring prior to the 1st day of March, 1981.

BILL 165

1980

An Act to amend The Motor Vehicle Accident Claims Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 22 of *The Motor Vehicle Accident Claims Act*, being chapter 281 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1976, chapter 76, section 1, is repealed and the following substituted therefor:

(1) In respect of any application under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of March, 1981, and subject to subsection 5, the Minister shall not pay out of the Fund more than the total amount of \$200,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one uninsured motor vehicle and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$10,000, but in any event the Minister shall not pay out of the Fund more than a total of \$10,000 in respect of all claims arising out of the loss of or damage to property occasioned by any one uninsured vehicle and arising out of any one accident.

(1a) In respect of any application under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, and before the 1st day of March, 1981, and subject to subsection 5, the Minister shall not pay out of the Fund more than the total amount of \$100,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one uninsured motor vehicle and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to

the extent of \$5,000, but in any event the Minister shall not pay out of the Fund more than a total of \$5,000 in respect of all claims arising out of the loss of or damage to property occasioned by any one uninsured vehicle and arising out of any one accident.

s. 22 (1a),
renumbered

- (2) Subsection 1a of the said section 22, as enacted by the Statutes of Ontario, 1976, chapter 76, section 1, is renumbered as subsection 1b.

s. 22 (5) (a),
re-enacted

- (3) Clause a of subsection 5 of the said section 22, as re-enacted by the Statutes of Ontario, 1976, chapter 76, section 1, is repealed and the following substituted therefor:

(a) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of March, 1981, more than \$200,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident; or

(aa) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, and before the 1st day of January, 1981, more than \$100,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident; or

.

s. 22 (5) (aa),
relettered

- (4) Clause aa of subsection 5 of the said section 22, as enacted by the Statutes of Ontario, 1976, chapter 76, section 1, is relettered as clause ab.

Commence-
ment

2. This Act comes into force on the 1st day of March, 1981.

Short title

3. The short title of this Act is *The Motor Vehicle Accident Claims Amendment Act, 1980*.

Subsection 2. Self-explanatory.

Subsection 3. Section 22 (5) of the Act sets out various limits to payments out of the Fund in respect of judgments against the Superintendent where motor vehicle accidents occurred within certain specified periods. The lead-in to subsection 5 reads as follows:

(5) Subject to subsection 6, the Minister shall not pay out of the Fund in respect of judgments against the Superintendent for damages,

.

The new clause *a* permits payments out of the Fund up to a maximum of \$200,000 where there is a judgment against the Superintendent in respect of a motor vehicle accident occurring after the 1st day of March, 1981. The present maximum is \$100,000.

The new clause *aa* is a re-enactment of the former clause *a* with the words "and before the 1st day of March, 1981" inserted after "the 1st day of January, 1977". The effect is to leave unchanged the present maximum payment in respect of an accident occurring prior to the 1st day of March, 1981.

Subsection 4. Self-explanatory.

BILL 165

An Act to amend
The Motor Vehicle Accident Claims Act

1st Reading

October 10th, 1980

2nd Reading

3rd Reading

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislature

**An Act to amend
The Motor Vehicle Accident Claims Act**

THE HON. FRANK DREA
Minister of Consumer and Commercial Relations



BILL 165

1980

An Act to amend The Motor Vehicle Accident Claims Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 22 of *The Motor Vehicle Accident Claims Act*, being chapter 281 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1976, chapter 76, section 1, is repealed and the following substituted therefor:

(1) In respect of any application under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of March, 1981, and subject to subsection 5, the Minister shall not pay out of the Fund more than the total amount of \$200,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one uninsured motor vehicle and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$10,000, but in any event the Minister shall not pay out of the Fund more than a total of \$10,000 in respect of all claims arising out of the loss of or damage to property occasioned by any one uninsured vehicle and arising out of any one accident.

(1a) In respect of any application under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, and before the 1st day of March, 1981, and subject to subsection 5, the Minister shall not pay out of the Fund more than the total amount of \$100,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one uninsured motor vehicle and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to

the extent of \$5,000, but in any event the Minister shall not pay out of the Fund more than a total of \$5,000 in respect of all claims arising out of the loss of or damage to property occasioned by any one uninsured vehicle and arising out of any one accident.

s. 22 (1a),
renumbered

- (2) Subsection 1a of the said section 22, as enacted by the Statutes of Ontario, 1976, chapter 76, section 1, is renumbered as subsection 1b.

s. 22 (5) (a),
re-enacted

- (3) Clause a of subsection 5 of the said section 22, as re-enacted by the Statutes of Ontario, 1976, chapter 76, section 1, is repealed and the following substituted therefor:

(a) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of March, 1981, more than \$200,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident; or

(aa) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, and before the 1st day of January, 1981, more than \$100,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident; or

.

s. 22 (5) (aa),
relettered

- (4) Clause aa of subsection 5 of the said section 22, as enacted by the Statutes of Ontario, 1976, chapter 76, section 1, is relettered as clause ab.

Commence-
ment

- 2.** This Act comes into force on the 1st day of March, 1981.

Short title

- 3.** The short title of this Act is *The Motor Vehicle Accident Claims Amendment Act, 1980*.

BILL 165

An Act to amend
The Motor Vehicle Accident Claims Act

1st Reading

October 10th, 1980

2nd Reading

October 28th, 1980

3rd Reading

November 14th, 1980

THE HON. FRANK DREA
Minister of Consumer and
Commercial Relations

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980 ²*Legislative Assembly*

An Act to amend The Non-resident
Agricultural Land Interests Registration Act, 1980

MR. DONALD C. MACDONALD

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill amends *The Non-resident Agricultural Land Interests Registration Act, 1980* by requiring the Minister to appoint a Director to administer the Act and by requiring the Minister to appoint inspectors to enforce the Act.

Furthermore, the Bill provides for a moratorium on the sale of agricultural land in Ontario to non-resident persons for a period of time consistent with the time requirements provided in the Act for the registration of agricultural land holdings of non-resident persons. It also requires the Minister, after such registration has been completed, to table a report in the Assembly on the extent of non-resident agricultural land holdings in Ontario.

BILL 166

1980

An Act to amend The Non-resident Agricultural Land Interests Registration Act, 1980

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Non-resident Agricultural Land Interests Registration Act, 1980*, being chapter 26, is amended by striking out “may” in the first line and in the third line and inserting in lieu thereof in each instance “shall”. s. 6,
amended

2. Section 10 of the said Act is repealed and the following substituted s. 10,
re-enacted
therefor:

10—(1) No person shall sell or agree to sell any agricultural Moratorium
land to a non-resident prior to the 31st day of December, 1981.

(2) As soon as possible after the 31st day of December, 1981, the Report
Minister shall table in the Assembly a report stating the amount of
agricultural land in Ontario owned by non-resident persons.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. The short title of this Act is *The Non-resident Agricultural Land Interests Registration Amendment Act, 1980*. Short title

BILL 166

An Act to amend
The Non-resident Agricultural Land
Interests Registration Act, 1980

1st Reading

October 10th, 1980

2nd Reading

3rd Reading

MR. DONALD C. MACDONALD

(Private Member's Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Chiroprody Act

THE HON. D. R. TIMBRELL
Minister of Health



EXPLANATORY NOTES

SECTION 1. The composition of the Board of Regents is changed from five persons to not fewer than three and not more than seven persons.

SECTION 2. Section 3 of the Act authorizes the Board of Regents, with the approval of the Lieutenant Governor in Council, to make regulations. New section 3a of the Act authorizes the Lieutenant Governor in Council to make, amend or revoke a regulation if the Minister of Health has requested in writing that the Board of Regents do so and the Board has failed to do so within sixty days after the request.

BILL 167

1980

An Act to amend The Chiropody Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Chiropody Act*, being chapter 70 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 2 (1),
re-enacted

(1) The Board of Regents is continued and shall be composed of not fewer than three and not more than seven persons appointed by the Lieutenant Governor in Council. Board of
Regents

2. The said Act is amended by adding thereto the following section: s. 3a,
enacted

3a. Where the Minister of Health requests in writing that the Board make, amend or revoke a regulation under section 3 and the Board has failed to do so within sixty days after the request, the Lieutenant Governor in Council may make the regulation, amendment or revocation specified in the request. Regulations
by
Lieutenant
Governor
in Council

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. The short title of this Act is *The Chiropody Amendment Act, 1980*. Short title

BILL 167

An Act to amend The Chiroprody Act

1st Reading

October 14th, 1980

2nd Reading

3rd Reading

THE HON. D. R. TIMBRELL
Minister of Health

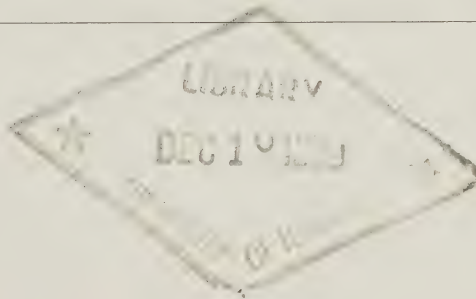
(Government Bill)

BILL 167

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Chiroprody Act

THE HON. D. R. TIMBRELL
Minister of Health



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 167

1980

An Act to amend The Chiroprody Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Chiroprody Act*, being chapter 70 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 2 (1),
re-enacted

(1) The Board of Regents is continued and shall be composed of not fewer than three and not more than seven persons appointed by the Lieutenant Governor in Council. Board of
Regents

2. The said Act is amended by adding thereto the following section: s. 3a,
enacted

3a. Where the Minister of Health requests in writing that the Board make, amend or revoke a regulation under section 3 and the Board has failed to do so within sixty days after the request, the Lieutenant Governor in Council may make the regulation, amendment or revocation specified in the request. Regulations
by
Lieutenant
Governor
in Council

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. The short title of this Act is *The Chiroprody Amendment Act, 1980*. Short title

BILL 167

An Act to amend The Chiropody Act

1st Reading

October 14th, 1980

2nd Reading

November 4th, 1980

3rd Reading

November 25th, 1980

THE HON. D. R. TIMBRELL
Minister of Health

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

4th Legislature

An Act to amend The Juries Act, 1974

THE HON. R. MCMURTRY
Attorney General



EXPLANATORY NOTES

SECTION 1. The amendment makes persons seventy years of age or more eligible to serve as jurors.

SECTION 2.—Subsection 1. The amendment adds justices of the peace to the persons ineligible to serve on juries.

Subsection 2. The amendment makes members of a religious order eligible to serve as jurors. The provision repealed reads as follows:

3.—(1) *The following persons are ineligible to serve as jurors:*

8. *Every ordained minister, priest or clergyman under any form or profession or of any faith or worship, licensed to perform marriages in Ontario.*

9. *Every person who is a member of a religious order vowed to live in a convent, monastery or other like religious community.*

SECTION 3.—Subsection 1. The amendment makes blind persons eligible to serve as jurors.

Subsection 2. The new provision permits blind persons and persons over seventy years of age to elect not to serve as jurors.

SECTION 4. Complementary to section 1 of the Bill.

BILL 168

1980

An Act to amend The Juries Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 2 of *The Juries Act, 1974*, being chapter 63, is amended by striking out "and had not attained the age of sixty-nine years or more" in the third and fourth lines. s. 2 (c),
amended

- 2.—(1) Paragraph 3 of subsection 1 of section 3 of the said Act is amended by adding at the end thereof "and every justice of the peace". s. 3 (1),
par. 3,
amended

- (2) Paragraphs 8 and 9 of subsection 1 of the said section 3 are repealed. s. 3 (1),
pars. 8, 9,
repealed

- 3.—(1) Clauses *a* and *b* of section 4 of the said Act are repealed and the following substituted therefor: s. 4 (a),
re-enacted;
s. 4 (b),
repealed
 - (a) has a physical or mental disability that would seriously impair his ability to discharge the duties of a juror.

 - (2) The said section 4 is amended by adding thereto the following subsection: s. 4,
amended
 - (2) Every person is ineligible to serve as a juror, who, Ineligibility
for blindness
or age
 - (a) in the year preceding the year for which the jury is selected had attained the age of sixty-nine years or more;
or

 - (b) is blind,

and has indicated on his return to the jury service notice that he does not wish to serve as a juror.

4. Clause *b* of subsection 2 of section 6 of the said Act is amended by striking out "and are not of and will not attain the age of sixty-nine years or more" in the third and fourth lines. s. 6 (2) (b),
amended

s. 21 (2),
re-enacted

5. Subsection 2 of section 21 of the said Act is repealed and the following substituted therefor:

Excusing of
jurors

(2) The sheriff may excuse any person summoned for a jury sittings on the ground,

(a) of illness; or

(b) that serving as a juror may cause serious hardships or loss to him or others,

but unless the local judge of the High Court directs otherwise and notwithstanding any other provision of this Act, such person shall be included in a panel to be returned for a sittings later in the year or, where there are not further sittings in that year, in a panel to be returned for a sittings in the year next following.

s. 25,
re-enacted

6. Section 25 of the said Act is repealed and the following substituted therefor:

Excusing of
juror for
religious
reasons

25.—(1) A person summoned for jury duty may be excused by a judge from service as a juror on the ground that service as a juror is incompatible with the beliefs or practices of a religion or religious order to which he belongs.

Excusing of
jurors for
illness or
hardship

(2) A person summoned for jury duty may be excused by a judge from attending the sittings on the ground,

(a) of illness; or

(b) that serving as a juror may cause serious hardships or loss to him or others,

and the judge may excuse the person from all service as a juror, or the judge may direct that the service of a person excused be postponed and that notwithstanding any provision of this Act, he be included in a panel to be returned for a sittings later in that year or in a panel to be returned for a sittings in the year next following.

Application
for
excusing

(3) A person summoned for jury service may be excused under subsection 1 or 2,

(a) before the day for attendance by the local judge of the High Court;

(b) on or after the day for attendance, by the judge presiding at the sittings,

and the application to be excused may be made to the sheriff.

SECTION 5. The provision that is proposed to be re-enacted reads the same as the present provision except that clause *b* of the proposed provision takes the place of the word "hardship".

SECTION 6. Provision is made for persons having religious conscientious objection or illness or hardship to be excused from jury duty by the judge.

SECTION 7. Self-explanatory.

7. The said Act is amended by adding thereto the following section: s. 44a,
enacted

44a.—(1) Every employer shall grant to an employee who is summoned for jury service a leave of absence, with or without pay, sufficient for the purpose of the discharge of the employee's duties, and, upon the employee's return, the employer shall reinstate the employee to his position, or provide him with alternative work of a comparable nature at not less than his wages at the time his leave of absence began and without loss of seniority or benefits accrued to the commencement of his leave of absence. Leave of
absence
from
employment

(2) An employer who fails to comply with subsection 1 is liable to the employee for any loss occasioned by the breach of his obligation. Liability
of
employer
for
breach

(3) Every employer who, directly or indirectly, Penalty
for
reprisals

(a) threatens to cause or causes an employee loss of position, or employment; or

(b) threatens to impose or imposes on an employee any pecuniary or other penalty,

because of his response to a summons, or his service as a juror, is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than three months, or to both.

8. This Act comes into force on the day it receives Royal Assent. Commence-
ment

9. The short title of this Act is *The Juries Amendment Act, 1980*. Short title

BILL 168

An Act to amend The Juries Act, 1974

1st Reading

October 14th, 1980

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

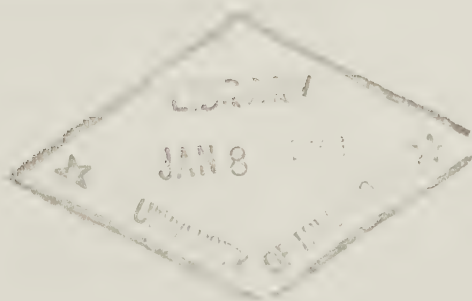
(Government Bill)

BILL 168

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Juries Act, 1974

THE HON. R. MCMURTRY
Attorney General



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 168

1980

An Act to amend The Juries Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 2 of *The Juries Act, 1974*, being chapter 63, is amended by striking out "and had not attained the age of sixty-nine years or more" in the third and fourth lines. s. 2 (c),
amended

- 2.—(1) Paragraph 3 of subsection 1 of section 3 of the said Act is amended by adding at the end thereof "and every justice of the peace". s. 3 (1),
par. 3,
amended

- (2) Paragraphs 8 and 9 of subsection 1 of the said section 3 are repealed. s. 3 (1),
pars. 8, 9,
repealed

- 3.—(1) Clauses *a* and *b* of section 4 of the said Act are repealed and the following substituted therefor: s. 4 (a),
re-enacted;
s. 4 (b),
repealed
 - (a) has a physical or mental disability that would seriously impair his ability to discharge the duties of a juror.
 - (2) The said section 4 is amended by adding thereto the following subsection: s. 4,
amended
 - (2) Every person is ineligible to serve as a juror, who, Ineligibility
for blindness
or age
 - (a) in the year preceding the year for which the jury is selected had attained the age of sixty-nine years or more;
or
 - (b) is blind,

and has indicated on his return to the jury service notice that he does not wish to serve as a juror.

4. Clause *b* of subsection 2 of section 6 of the said Act is amended by striking out "and are not of and will not attain the age of sixty-nine years or more" in the third and fourth lines. s. 6 (2) (b),
amended

s. 21 (2),
re-enacted

5. Subsection 2 of section 21 of the said Act is repealed and the following substituted therefor:

Excusing
of jurors

(2) The sheriff may excuse any person summoned for a jury sittings on the ground,

(a) of illness; or

(b) that serving as a juror may cause serious hardships or loss to him or others,

but unless the local judge of the High Court directs otherwise and notwithstanding any other provision of this Act, such person shall be included in a panel to be returned for a sittings later in the year or, where there are not further sittings in that year, in a panel to be returned for a sittings in the year next following.

s. 25,
re-enacted

6. Section 25 of the said Act is repealed and the following substituted therefor:

Excusing of
juror for
religious
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25.—(1) A person summoned for jury duty may be excused by a judge from service as a juror on the ground that service as a juror is incompatible with the beliefs or practices of a religion or religious order to which he belongs.

Excusing of
jurors for
illness or
hardship

(2) A person summoned for jury duty may be excused by a judge from attending the sittings on the ground,

(a) of illness; or

(b) that serving as a juror may cause serious hardships or loss to him or others,

and the judge may excuse the person from all service as a juror, or the judge may direct that the service of a person excused be postponed and that notwithstanding any provision of this Act, he be included in a panel to be returned for a sittings later in that year or in a panel to be returned for a sittings in the year next following.

Application
for
excusing

(3) A person summoned for jury service may be excused under subsection 1 or 2,

(a) before the day for attendance by the local judge of the High Court;

(b) on or after the day for attendance, by the judge presiding at the sittings,

and the application to be excused may be made to the sheriff.

7. The said Act is amended by adding thereto the following section: s. 44a,
enacted

44a.—(1) Every employer shall grant to an employee who is summoned for jury service a leave of absence, with or without pay, sufficient for the purpose of the discharge of the employee's duties, and, upon the employee's return, the employer shall reinstate the employee to his position, or provide him with alternative work of a comparable nature at not less than his wages at the time his leave of absence began and without loss of seniority or benefits accrued to the commencement of his leave of absence. Leave of
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employment

(2) An employer who fails to comply with subsection 1 is liable to the employee for any loss occasioned by the breach of his obligation. Liability
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employer
for
breach

(3) Every employer who, directly or indirectly, Penalty
for
reprisals

(a) threatens to cause or causes an employee loss of position, or employment; or

(b) threatens to impose or imposes on an employee any pecuniary or other penalty,

because of his response to a summons, or his service as a juror, is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than three months, or to both.

8. This Act comes into force on the day it receives Royal Assent. Commence-
ment

9. The short title of this Act is *The Juries Amendment Act, 1980*. Short title



BILL 168

An Act to amend The Juries Act, 1974

1st Reading

October 14th, 1980

2nd Reading

November 4th, 1980

3rd Reading

December 10th, 1980

THE HON. R. MCMURTRY
Attorney General

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to provide for
Liability for Injuries caused by Dogs

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill would replace the present *Vicious Dogs Act* which provides for the destruction of a dog that has bitten a person. *The Vicious Dogs Act* has remained unchanged since its enactment in 1931.

The Bill would make the owner civilly liable for damages resulting from an attack by his dog. The liability does not depend on negligence and the common law principle of *scienter* requiring foreknowledge of the dog's vicious propensity is removed. The owner's liability is reduced by the extent to which the victim's own fault or negligence caused the attack and the owner is entitled to contribution or indemnity from any other person at fault.

A procedure for ordering destruction of the dog is retained with guidelines for the court to consider.

BILL 169

1980

An Act to provide for Liability for Injuries caused by Dogs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "owner", when used in relation to a dog, includes a person who possesses or harbours the dog and, where the owner is a minor, the person responsible for the custody of the minor. Interpre-
tation

2.—(1) The owner of a dog is liable for damages resulting from a bite or attack by the dog on another person. Liability
of owner

(2) Where there is more than one owner of a dog, they are jointly and severally liable under this section. Where more
than one
owner

(3) The liability of the owner does not depend upon *scienter* or fault or negligence on the part of the owner, but the court shall reduce the damages awarded in proportion to the degree, if any, to which the fault or negligence of the plaintiff caused or contributed to the damages. Extent of
liability

(4) An owner who is liable to pay damages under this section is entitled to recover contribution and indemnity from any other person in proportion to the degree to which the other person's fault or negligence caused or contributed to the damages. Contribution
by person at
fault

3.—(1) Where damage is caused by being bitten or attacked by a dog on the premises of the owner, the liability of the owner is determined under this Act and not under *The Occupiers' Liability Act, 1980*. Application
of
1980, c. 14

(2) Where a person is on premises with the intention of committing, or in the commission of, a criminal act on the premises and incurs damage caused by being bitten or attacked by a dog, the owner is not liable under section 2 unless the keeping of the dog on the premises was unreasonable for the purpose of the protection of persons or property. Protection
of
property

Proceeding
against
owner of
dog
1979, c. 4

4.—(1) Where it is alleged that a dog has bitten or attacked a person, a proceeding may be commenced against the owner of the dog and the proceeding is one to which Part VIII of *The Provincial Offences Act*, 1979 applies.

Order

(2) Where, in a proceeding under subsection 1, the provincial offences court finds that the dog has bitten or attacked a person, and the court is satisfied that the destruction of the dog is necessary for the protection of the public, the court may order that the dog be destroyed in such manner as is provided for in the order.

Considera-
tions

(3) In determining whether it is necessary to destroy a dog for the protection of the public, the court may take into consideration the following circumstances:

1. The past and present temperament and behaviour of the dog.
2. The seriousness of the injuries caused by the biting or attack.
3. Unusual contributing circumstances tending to justify the action of the dog.
4. The improbability that a similar attack will be repeated.
5. The dog's physical potential for inflicting harm.
6. Precautions taken by the owner to preclude similar attacks in the future.
7. Any other circumstances that the court considers to be relevant.

R.S.O. 1970,
c. 482,
repealed

5.—(1) *The Vicious Dogs Act*, being chapter 482 of the Revised Statutes of Ontario, 1970, is repealed.

Application
of repeal

(2) Notwithstanding subsection 1, *The Vicious Dogs Act* continues to apply in respect of bites of dogs incurred before this Act comes into force.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. The short title of this Act is *The Dog Owners' Liability Act*, 1980.



An Act to provide for
Liability for Injuries caused by Dogs

1st Reading

October 14th, 1980

2nd Reading

3rd Reading

THE HON. R. MCMURTRY
Attorney General

(Government Bill)

BILL 169

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to provide for
Liability for Injuries caused by Dogs

THE HON. R. MCMURTRY
Attorney General

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill would replace the present *Vicious Dogs Act* which provides for the destruction of a dog that has bitten a person. *The Vicious Dogs Act* has remained unchanged since its enactment in 1931.

The Bill would make the owner civilly liable for damages resulting from an attack by his dog. The liability does not depend on negligence and the common law principle of *scienter* requiring foreknowledge of the dog's vicious propensity is removed. The owner's liability is reduced by the extent to which the victim's own fault or negligence caused the attack and the owner is entitled to contribution or indemnity from any other person at fault.

A procedure for ordering destruction of the dog is retained with guidelines for the court to consider.

BILL 169

1980

An Act to provide for Liability for Injuries caused by Dogs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "owner", when used in relation to a dog, includes a person who possesses or harbours the dog and, where the owner is a minor, the person responsible for the custody of the minor. Interpretation

2.—(1) The owner of a dog is liable for damages resulting from a bite or attack by the dog on another person. Liability of owner

(2) Where there is more than one owner of a dog, they are jointly and severally liable under this section. Where more than one owner

(3) The liability of the owner does not depend upon *scienter* or fault or negligence on the part of the owner, but the court shall reduce the damages awarded in proportion to the degree, if any, to which the fault or negligence of the plaintiff caused or contributed to the damages. Extent of liability

(4) An owner who is liable to pay damages under this section is entitled to recover contribution and indemnity from any other person in proportion to the degree to which the other person's fault or negligence caused or contributed to the damages. Contribution by person at fault

3.—(1) Where damage is caused by being bitten or attacked by a dog on the premises of the owner, the liability of the owner is determined under this Act and not under *The Occupiers' Liability Act, 1980*. Application of 1980, c. 14

(2) Where a person is on premises with the intention of committing, or in the commission of, a criminal act on the premises and incurs damage caused by being bitten or attacked by a dog, the owner is not liable under section 2 unless the keeping of the dog on the premises was unreasonable for the purpose of the protection of persons or property. Protection of property

Proceeding
against
owner of
dog
1979, c. 4

4.—(1) Where it is alleged that a dog has bitten or attacked a person, a proceeding may be commenced against the owner of the dog and the proceeding is one to which Part VIII of *The Provincial Offences Act, 1979* applies.

Order

(2) Where, in a proceeding under subsection 1, the provincial offences court finds that the dog has bitten or attacked a person, and the court is satisfied that an order is necessary for the protection of the public, the court may order,

(a) that the dog be destroyed in such manner as is provided in the order; or

(b) that the owner of the dog take such steps as are provided in the order for the more effective control of the dog.

Considera-
tions

(3) In exercising its powers to make an order under subsection 2, the court may take into consideration the following circumstances:

1. The past and present temperament and behaviour of the dog.
2. The seriousness of the injuries caused by the biting or attack.
3. Unusual contributing circumstances tending to justify the action of the dog.
4. The improbability that a similar attack will be repeated.
5. The dog's physical potential for inflicting harm.
6. Precautions taken by the owner to preclude similar attacks in the future.
7. Any other circumstances that the court considers to be relevant.

Penalty

(4) An owner who contravenes an order made under subsection 2 is guilty of an offence and on conviction is liable to a fine not exceeding \$2,000.

R.S.O. 1970,
c. 482,
repealed

5.—(1) *The Vicious Dogs Act*, being chapter 482 of the Revised Statutes of Ontario, 1970, is repealed.

Application
of repeal

(2) Notwithstanding subsection 1, *The Vicious Dogs Act* continues to apply in respect of bites of dogs incurred before this Act comes into force.

6. This Act comes into force on the day it receives Royal Commence-
Assent. ment

7. The short title of this Act is *The Dog Owners' Liability Act*, Short title
1980.

BILL 169

An Act to provide for
Liability for Injuries caused by Dogs

1st Reading

October 14th, 1980

2nd Reading

November 27th, 1980

3rd Reading

THE HON. R. MCMURTRY
Attorney General

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 169

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to provide for
Liability for Injuries caused by Dogs

THE HON. R. MCMURTRY
Attorney General



BILL 169

1980

An Act to provide for Liability for Injuries caused by Dogs

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "owner", when used in relation to a dog, includes a person who possesses or harbours the dog and, where the owner is a minor, the person responsible for the custody of the minor.

Interpre-
tation

2.—(1) The owner of a dog is liable for damages resulting from a bite or attack by the dog on another person.

Liability
of owner

(2) Where there is more than one owner of a dog, they are jointly and severally liable under this section.

Where more
than one
owner

(3) The liability of the owner does not depend upon *scienter* or fault or negligence on the part of the owner, but the court shall reduce the damages awarded in proportion to the degree, if any, to which the fault or negligence of the plaintiff caused or contributed to the damages.

Extent of
liability

(4) An owner who is liable to pay damages under this section is entitled to recover contribution and indemnity from any other person in proportion to the degree to which the other person's fault or negligence caused or contributed to the damages.

Contribution
by person at
fault

3.—(1) Where damage is caused by being bitten or attacked by a dog on the premises of the owner, the liability of the owner is determined under this Act and not under *The Occupiers' Liability Act, 1980*.

Application
of
1980, c. 14

(2) Where a person is on premises with the intention of committing, or in the commission of, a criminal act on the premises and incurs damage caused by being bitten or attacked by a dog, the owner is not liable under section 2 unless the keeping of the dog on the premises was unreasonable for the purpose of the protection of persons or property.

Protection
of
property

Proceeding
against
owner of
dog
1979, c. 4

4.—(1) Where it is alleged that a dog has bitten or attacked a person, a proceeding may be commenced against the owner of the dog and the proceeding is one to which Part VIII of *The Provincial Offences Act, 1979* applies.

Order

(2) Where, in a proceeding under subsection 1, the provincial offences court finds that the dog has bitten or attacked a person, and the court is satisfied that an order is necessary for the protection of the public, the court may order,

- (a) that the dog be destroyed in such manner as is provided in the order; or
- (b) that the owner of the dog take such steps as are provided in the order for the more effective control of the dog.

Considera-
tions

(3) In exercising its powers to make an order under subsection 2, the court may take into consideration the following circumstances:

- 1. The past and present temperament and behaviour of the dog.
- 2. The seriousness of the injuries caused by the biting or attack.
- 3. Unusual contributing circumstances tending to justify the action of the dog.
- 4. The improbability that a similar attack will be repeated.
- 5. The dog's physical potential for inflicting harm.
- 6. Precautions taken by the owner to preclude similar attacks in the future.
- 7. Any other circumstances that the court considers to be relevant.

Penalty

(4) An owner who contravenes an order made under subsection 2 is guilty of an offence and on conviction is liable to a fine not exceeding \$2,000.

R.S.O. 1970,
c. 482,
repealed

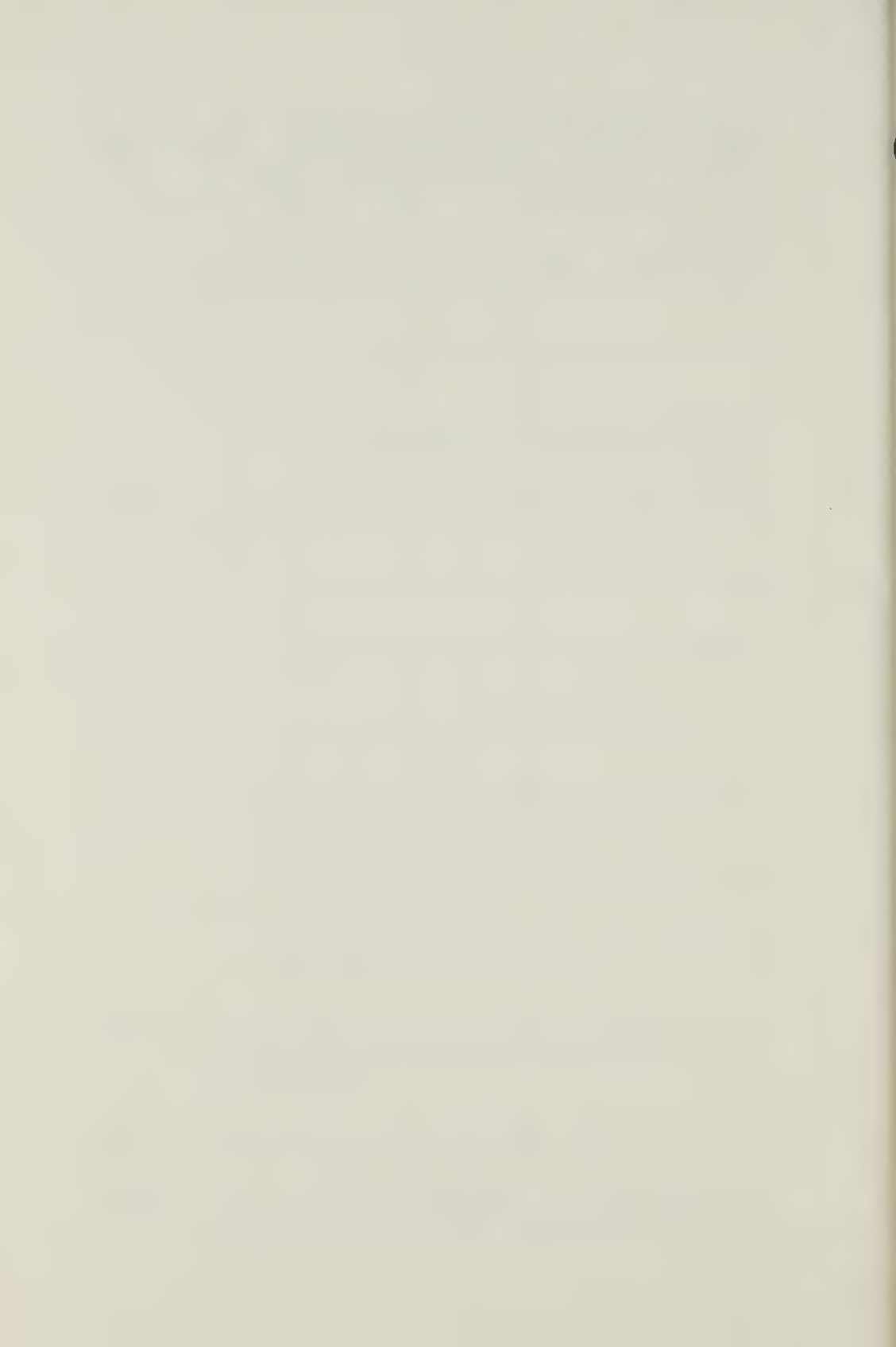
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Application
of repeal

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7. The short title of this Act is *The Dog Owners' Liability Act*, Short title
1980.



An Act to provide for
Liability for Injuries caused by Dogs

1st Reading

October 14th, 1980

2nd Reading

November 27th, 1980

3rd Reading

December 10th, 1980

THE HON. R. MCMURTRY
Attorney General

³
T7 BILL 170

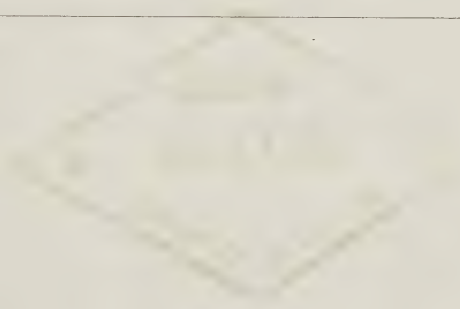
Government Bill

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to erect
the Township of Gloucester into a City Municipality

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of this Bill is to erect the Township of Gloucester into a city municipality effective January 1st, 1981.

BILL 170

1980

An Act to erect the Township of Gloucester into a City Municipality

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Township of Gloucester is erected into a city municipality bearing the name of The Corporation of the City of Gloucester.

Township of
Gloucester
erected into
city
municipality

2. Sections 17, 19 and 22 of *The Municipal Act* apply with necessary modifications in respect of the erecting of the Township of Gloucester into a city municipality.

Application
of
R.S.O. 1970,
c. 284,
ss. 17, 19, 22

3. A reference in any general or special Act to The Corporation of the Township of Gloucester or to the Township of Gloucester shall be deemed to be a reference to The Corporation of the City of Gloucester and to the City of Gloucester, respectively.

References
in other
Acts

4.—(1) On the 1st day of January, 1981, the reeve of the Township of Gloucester shall be the mayor of the City of Gloucester and the councillors of the Township shall be aldermen of the City.

Mayor
and
aldermen

(2) Notwithstanding subsection 1 of section 28 of *The Municipal Act*, on and after the 1st day of December, 1982, the council of the City of Gloucester shall consist of a mayor and six aldermen all to be elected by general vote until such time as the City is divided into wards or the composition of the council is varied by an order of the Ontario Municipal Board under section 7a of *The Regional Municipality of Ottawa-Carleton Act*.

Composition
of subsequent
councils
R.S.O. 1970,
cc. 284, 407

5. For the purpose of the calculation and payment of grants by the Ministry of Transportation and Communications to the City of Gloucester for the years 1981 and 1982 in respect of the construction of an overpass by the City over that part of the King's Highway known as Number 17 at Orleans Boulevard, the City shall be deemed to be a township municipality.

Grants

Speed limits
continued
R.S.O. 1970,
c. 202

6.—(1) For the purposes of section 82 of *The Highway Traffic Act*, the City of Gloucester shall be deemed to be a township municipality.

By-laws of
Regional
Council and
City council

(2) Every by-law in force in the City under any provision of section 82 of *The Highway Traffic Act* that applies, on the 1st day of January, 1981, to any highway or portion thereof in the City, shall continue to apply until a by-law passed by the council of The Regional Municipality of Ottawa-Carleton, or the council of the City, under the said section 82 applies thereto.

Idem
R.S.O. 1970,
c. 202

(3) The consolidation of any by-laws in which the provisions of section 82 of *The Highway Traffic Act* are incorporated, without amendment, shall be deemed not to be affected by subsection 2.

Commence-
ment

7. This Act comes into force on the 1st day of January, 1981.

Short title

8. The short title of this Act is *The City of Gloucester Act, 1980*.

BILL 170

An Act to erect
the Township of Gloucester
into a City Municipality

1st Reading

October 14th, 1980

2nd Reading

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

BILL 170

Govt. of Ontario
Printed and Published by
J. C. THATCHER, Queen's Printer for Ontario

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislation Act

**An Act to erect
the Township of Gloucester into a City Municipality**

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs



BILL 170

1980

An Act to erect the Township of Gloucester into a City Municipality

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Township of Gloucester is erected into a city municipality bearing the name of The Corporation of the City of Gloucester.

Township of
Gloucester
erected into
city
municipality

2. Sections 17, 19 and 22 of *The Municipal Act* apply with necessary modifications in respect of the erecting of the Township of Gloucester into a city municipality.

Application
of
R.S.O. 1970,
c. 284,
ss. 17, 19, 22

3. A reference in any general or special Act to The Corporation of the Township of Gloucester or to the Township of Gloucester shall be deemed to be a reference to The Corporation of the City of Gloucester and to the City of Gloucester, respectively.

References
in other
Acts

4.—(1) On the 1st day of January, 1981, the reeve of the Township of Gloucester shall be the mayor of the City of Gloucester and the councillors of the Township shall be aldermen of the City.

Mayor
and
aldermen

(2) Notwithstanding subsection 1 of section 28 of *The Municipal Act*, on and after the 1st day of December, 1982, the council of the City of Gloucester shall consist of a mayor and six aldermen all to be elected by general vote until such time as the City is divided into wards or the composition of the council is varied by an order of the Ontario Municipal Board under section 7a of *The Regional Municipality of Ottawa-Carleton Act*.

Composition
of subsequent
councils
R.S.O. 1970,
cc. 284, 407

5. For the purpose of the calculation and payment of grants by the Ministry of Transportation and Communications to the City of Gloucester for the years 1981 and 1982 in respect of the construction of an overpass by the City over that part of the King's Highway known as Number 17 at Orleans Boulevard, the City shall be deemed to be a township municipality.

Grants

Speed limits
continued
R.S.O. 1970,
c. 202

6.—(1) For the purposes of section 82 of *The Highway Traffic Act*, the City of Gloucester shall be deemed to be a township municipality.

By-laws of
Regional
Council and
City council

(2) Every by-law in force in the City under any provision of section 82 of *The Highway Traffic Act* that applies, on the 1st day of January, 1981, to any highway or portion thereof in the City, shall continue to apply until a by-law passed by the council of The Regional Municipality of Ottawa-Carleton, or the council of the City, under the said section 82 applies thereto.

Idem
R.S.O. 1970,
c. 202

(3) The consolidation of any by-laws in which the provisions of section 82 of *The Highway Traffic Act* are incorporated, without amendment, shall be deemed not to be affected by subsection 2.

Commence-
ment

7. This Act comes into force on the 1st day of January, 1981.

Short title

8. The short title of this Act is *The City of Gloucester Act, 1980*.

BILL 170

An Act to erect
the Township of Gloucester
into a City Municipality

1st Reading

October 14th, 1980

2nd Reading

October 28th, 1980

3rd Reading

November 14th, 1980

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

3
11
BILL 171

Public Bill
Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to provide for the Validation of Certain
Adoption Orders made under The Child Welfare Act, 1978

THE HON. K. C. NORTON
Minister of Community and Social Services

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to make it clear that an adoption order that was made by the Supreme Court or a county or district court with respect to a proceeding commenced before *The Child Welfare Act, 1978* came into force is a valid order notwithstanding that the order was not made by a provincial court (family division) or the Unified Family Court.

BILL 171

1980

**An Act to provide for the Validation of Certain
Adoption Orders made under The Child Welfare
Act, 1978**

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. No adoption order made on or after the 15th day of June, ^{1978, c. 85} 1979 by the Supreme Court or a county or district court in proceedings commenced before the 15th day of June, 1979, being the day *The Child Welfare Act, 1978*, being chapter 85, came into force, shall be invalid solely because the order was not made by a provincial court (family division) or the Unified Family Court.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. The short title of this Act is *The Child Welfare Validation of* ^{Short title} *Adoption Orders Act, 1980.*

BILL 171

An Act to provide for the Validation
of Certain Adoption Orders made
under The Child Welfare Act, 1978

1st Reading

October 16th, 1980

2nd Reading

3rd Reading

THE HON. K. C. NORTON
Minister of Community and Social Services

(Government Bill)

3
BILL 171

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to provide for the Validation of Certain
Adoption Orders made under The Child Welfare Act, 1978

THE HON. K. C. NORTON
Minister of Community and Social Services

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 171

1980

**An Act to provide for the Validation of Certain
Adoption Orders made under The Child Welfare
Act, 1978**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. No adoption order made on or after the 15th day of June, 1978, c. 85 1979 by the Supreme Court or a county or district court in proceedings commenced before the 15th day of June, 1979, being the day *The Child Welfare Act, 1978*, being chapter 85, came into force, shall be invalid solely because the order was not made by a provincial court (family division) or the Unified Family Court.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is *The Child Welfare Validation of Adoption Orders Act, 1980*. Short title

BILL 171

An Act to provide for the Validation
of Certain Adoption Orders made
under The Child Welfare Act, 1978

1st Reading

October 16th, 1980

2nd Reading

October 28th, 1980

3rd Reading

November 14th, 1980

THE HON. K. C. NORTON
Minister of Community and Social Services

4TH SESSION, 31ST LEGISLATURE, ¹ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to amend The Municipal Affairs Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

Section 53 of the Act now reads as follows:

53. Notwithstanding the other provisions of this Act or any other Act, where land in respect of which a tax arrears certificate has been registered has become vested in the municipality and the period for redemption has expired and where the land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 4 of section 47, with the approval of the Ministry, is entitled at any time to a conveyance of the land upon payment of the full amount that would have been payable in respect of taxes, interest and penalties had the land not become vested in the municipality, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such vesting and of the conveyance.

As the section now reads, the person paying the arrears of taxes under the circumstances set out is entitled, with the approval of the Ministry, to a conveyance of the land. As re-enacted, the Ministry may, where it appears just to do so, direct instead the registration of a redemption certificate, thereby vesting the land in the persons who would be entitled thereto if the tax arrears certificate had not been registered, according to their respective interests. If the land is redeemed by a person other than the owner that person has a lien upon the owner's interest in the land for the amount paid.

BILL 172

1980

An Act to amend The Municipal Affairs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 53 of *The Municipal Affairs Act*, being chapter 118 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 111, section 3, is repealed and the following substituted therefor: s. 53,
re-enacted

53. Notwithstanding the other provisions of this Act or any other Act, where land in respect of which a tax arrears certificate has been registered has become vested in the municipality and the period for redemption set out in section 49 has expired and where the land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, the Ministry, on the application of any person to whom notice was sent under subsection 4 of section 47, shall direct the treasurer of the municipality, upon payment by the applicant of the full amount that would have been payable in respect of taxes, interest and penalties had the land not become vested in the municipality, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such vesting, to either, Redemption
certificate
of
conveyance

(a) register in the land registry office a redemption certificate in respect of the land in Form 3; or

(b) convey the land to the applicant,

as the Ministry considers just in the circumstances, and where a redemption certificate is registered under clause *a*, subsections 2 and 3 of section 49 apply with necessary modifications.

2. This Act shall be deemed to have come into force on the 16th day of October, 1980. Commence-
ment
3. The short title of this Act is *The Municipal Affairs Amendment Act*, Short title
1980.

BILL 172

An Act to amend
The Municipal Affairs Act

1st Reading

October 16th, 1980

2nd Reading

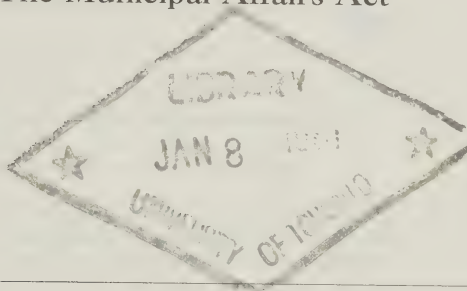
3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

(Government Bill)

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Municipal Affairs Act



THE HON. T. L. WELLS
Minister of Intergovernmental Affairs


(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

 SECTION 1. Subsection 3 of section 49 of the Act as it now reads is set out below:

- (3) *If land is redeemed by any person entitled to redeem the land other than the owner, such person has a lien upon the owner's interest therein for the amount paid to redeem the land.*

The effect of the re-enactment will be to give to a person, other than the owner, who pays the arrears of taxes owing to obtain a redemption certificate a lien for the amount paid that ranks ahead of the claim of any other encumbrancer.



SECTION 2. Section 53 of the Act now reads as follows:

53. *Notwithstanding the other provisions of this Act or any other Act, where land in respect of which a tax arrears certificate has been registered has become vested in the municipality and the period for redemption has expired and where the land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 4 of section 47, with the approval of the Ministry, is entitled at any time to a conveyance of the land upon payment of the full amount that would have been payable in respect of taxes, interest and penalties had the land not become vested in the municipality, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such vesting and of the conveyance.*

As the section now reads, the person paying the arrears of taxes under the circumstances set out is entitled, with the approval of the Ministry, to a conveyance of the land. As re-enacted, the Ministry may, where it appears just to do so, direct instead the registration of a redemption certificate, thereby vesting the land in the persons who would be entitled thereto if the tax arrears certificate had not been registered, according to their respective interests. If the land is redeemed by a person other than the owner that person has a first lien upon the land for the amount paid.

BILL 172

1980

An Act to amend The Municipal Affairs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 49 of *The Municipal Affairs Act*, being s. 49 (3), chapter 118 of the Revised Statutes of Ontario, 1970, is repealed and re-enacted the following substituted therefor:

(3) If land is redeemed by any person entitled to redeem the land other than the owner, such person has a lien thereon for the amount paid to redeem the land and the lien has priority over the interest in the land of any other person to whom notice was sent under subsection 4 of section 47.

Lien on redemption by other than owner

2. Section 53 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 111, section 3, is repealed and the following substituted therefor:
- s. 53, re-enacted

53. Notwithstanding the other provisions of this Act or any other Act, where land in respect of which a tax arrears certificate has been registered has become vested in the municipality and the period for redemption set out in section 49 has expired and where the land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, the Ministry, on the application of any person to whom notice was sent under subsection 4 of section 47, shall direct the treasurer of the municipality, upon payment by the applicant of the full amount that would have been payable in respect of taxes, interest and penalties had the land not become vested in the municipality, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such vesting, to either,

Redemption certificate of conveyance

- (a) register in the land registry office a redemption certificate in respect of the land in Form 3; or
- (b) convey the land to the applicant,

as the Ministry considers just in the circumstances, and where a redemption certificate is registered under clause *a*, subsections 2 and 3 of section 49 apply with necessary modifications.

Commence-
ment

- 3.** This Act shall be deemed to have come into force on the 16th day of October, 1980.

Short title

- 4.** The short title of this Act is *The Municipal Affairs Amendment Act, 1980*.

BILL 172

An Act to amend
The Municipal Affairs Act

1st Reading

October 16th, 1980

2nd Reading

October 21st, 1980

3rd Reading

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 172

Government
Publications

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act to amend The Municipal Affairs Act

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO



BILL 172

1980

An Act to amend The Municipal Affairs Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 49 of *The Municipal Affairs Act*, being s. 49 (3),
re-enacted chapter 118 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(3) If land is redeemed by any person entitled to redeem the land other than the owner, such person has a lien thereon for the amount paid to redeem the land and the lien has priority over the interest in the land of any other person to whom notice was sent under subsection 4 of section 47. Lien on redemption by other than owner

2. Section 53 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 111, section 3, is repealed and the following substituted therefor: s. 53,
re-enacted

53. Notwithstanding the other provisions of this Act or any other Act, where land in respect of which a tax arrears certificate has been registered has become vested in the municipality and the period for redemption set out in section 49 has expired and where the land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, the Ministry, on the application of any person to whom notice was sent under subsection 4 of section 47, shall direct the treasurer of the municipality, upon payment by the applicant of the full amount that would have been payable in respect of taxes, interest and penalties had the land not become vested in the municipality, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such vesting, to either, Redemption certificate of conveyance

- (a) register in the land registry office a redemption certificate in respect of the land in Form 3; or
- (b) convey the land to the applicant,

as the Ministry considers just in the circumstances, and where a redemption certificate is registered under clause *a*, subsections 2 and 3 of section 49 apply with necessary modifications.

Commence-
ment

- 3.** This Act shall be deemed to have come into force on the 16th day of October, 1980.

Short title

- 4.** The short title of this Act is *The Municipal Affairs Amendment Act, 1980*.

BILL 172

An Act to amend
The Municipal Affairs Act

1st Reading

October 16th, 1980

2nd Reading

October 21st, 1980

3rd Reading

December 12th, 1980

THE HON. T. L. WELLS
Minister of Intergovernmental Affairs

4TH SESSION, 31ST LEGISLATURE, ONTARIO

29 ELIZABETH II, 1980 *25 June 1980*

An Act to amend The Education Act, 1974

MR. MARTEL



EXPLANATORY NOTE

The purpose of the Bill is to authorize the apportionment of school rates between public and separate schools in the case of a mixed marriage where the husband and wife own or lease rateable property jointly.

BILL 173

1980

An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 122 of *The Education Act, 1974*, being chapter 109, is s. 122,
amended amended by adding thereto the following subsection:

(3) Where more than one owner or tenant is the occupant or tenant of land, each owner or tenant shall be deemed to be a Joint
ownership,
tenancy,
etc. person primarily liable for the payment of school rates and for determining whether those rates shall be applied to public or separate school purposes and, in such case, the owners or tenants who are primarily liable for the payment of school rates may determine that the application of the rates shall be apportioned between public and separate school purposes.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is *The Education Amendment Act, 1980*. Short title

BILL 173

An Act to amend
The Education Act, 1974

1st Reading

October 17th, 1980

2nd Reading

3rd Reading

MR. MARTEL

(Private Member's Bill)

BILL 174

Private Member's Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

An Act respecting the
Sale and Repair of Motor Vehicles in Ontario

MR. SAMIS

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide protection for purchasers of used cars and consumers of car repair services. The Bill requires a motor vehicle dealer to affix a notice containing useful information for potential purchasers to every used motor vehicle offered for sale. The Bill sets out a statutory warranty covering the sale of used motor vehicles. The Bill also contains provisions requiring a motor vehicle repair station operator to provide to consumers an accurate estimate of the costs of repairs. This estimate, if accepted by the consumer, becomes binding on the repair station operator. The Bill also contains a statutory guarantee for repairs. The Bill is based upon provisions of the Quebec Consumer Protection Act.

BILL 174

1980

An Act respecting the Sale and Repair of Motor Vehicles in Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “motor vehicle” means an automobile, truck or other vehicle propelled or driven otherwise than by muscular power, including a motorcycle, but not including a motorized snow vehicle or a farm tractor or other self-propelled machinery primarily intended for farming or construction purposes;
- (b) “motor vehicle dealer” means a person who carries on the business of buying or selling motor vehicles, whether for his own account or the account of any other person, or who holds himself out as carrying on the business of buying or selling motor vehicles;
- (c) “motor vehicle repair station” means a premises maintained and operated for the purpose of carrying on the business of repairing motor vehicles;
- (d) “repair station operator” means a person who owns or operates a motor vehicle repair station, and includes a motor vehicle dealer.

2. A motor vehicle dealer shall affix a notice on every used motor vehicle that the dealer offers for sale and the notice shall be so affixed that it may be read entirely from outside the motor vehicle. Notice

3. The notice shall disclose,

Content of
notice

- (a) the price at which the used motor vehicle is offered for sale;

- (b) the number of miles or kilometres registered on the odometer and the number of miles or kilometres actually travelled by the motor vehicle, if different from that indicated on the odometer;
- (c) the model year ascribed by the manufacturer and the serial number, make, model and cubic capacity of the engine;
- (d) where applicable, the fact that the motor vehicle has been used as a taxi-cab, a driving school vehicle, a police car, an ambulance, a leased automobile, an automobile for customers or as a demonstrator and the identity of every business or of every public agency that owned the motor vehicle or leased it on a long-term basis;
- (e) where applicable, every repair done on the used motor vehicle since it has been in the possession of the dealer;
- (f) the class of the motor vehicle, as set out in section 7;
- (g) the nature of the warranty offered by the motor vehicle dealer;
- (h) that the motor vehicle dealer shall, at the request of the consumer, provide the consumer with the name and telephone number of the most recent owner of the motor vehicle.

Notice
part of
contract
Idem

4.—(1) A copy of the notice shall be attached to the contract.

(2) All the information disclosed on the notice except the price at which the motor vehicle is offered for sale and the terms of the warranty, form an integral part of the contract.

Contract

5. The contract for the purchase and sale of a motor vehicle shall indicate,

- (a) the place and date of the contract;
- (b) the name and address of the consumer and of the motor vehicle dealer;
- (c) the price of the motor vehicle;
- (d) the terms of the warranty;
- (e) all other information required to be included on a sales or purchase order by or under *The Motor Vehicle Dealers Act*.

6. The sale of a used motor vehicle carries with it a warranty Warranty
that the motor vehicle will remain in good working condition,

- (a) for a period of six months or 10,000 kilometres, whichever occurs first, in the case of a class A motor vehicle;
- (b) for a period of three months or 5,000 kilometres, whichever occurs first, in the case of a class B motor vehicle;
- (c) for a period of one month or 1,700 kilometres, whichever occurs first, in the case of a class C motor vehicle.

7. For the purposes of section 6,

Classes of
motor
vehicle

- (a) “class A motor vehicle” means a motor vehicle that is less than two years old and has been driven less than 40,000 kilometres;
- (b) “class B motor vehicle” means a motor vehicle that is less than three years old and has been driven less than 60,000 kilometres;
- (c) “class C motor vehicle” means a motor vehicle that is less than five years old and has been driven less than 80,000 kilometres;
- (d) “class D motor vehicle” means a motor vehicle that is not a class A, B or C motor vehicle.

8. The warranty provided for in section 6 does not apply to, Limitation
of warranty

- (a) normal maintenance service and the replacement of parts resulting from it;
- (b) interior upholstery or exterior decorative items;
- (c) damage resulting from abuse by the consumer after delivery of the motor vehicle;
- (d) any accessory designated by the regulations; and
- (e) any manufacturing defect that the motor vehicle dealer could not reasonably be expected to detect before selling the motor vehicle.

9. The warranty referred to in section 6 takes effect upon When
effective
delivery of the used motor vehicle.

Written
estimate
required

10.—(1) Before carrying out any repairs to a motor vehicle, the operator of a motor vehicle repair station shall give the consumer a written estimate of the cost of the repairs, and upon acceptance by the consumer, the estimate is binding on the operator, and the consumer shall not be charged any amount for the repairs in excess of the amount of the estimate unless the consumer agrees to pay all or part of the increased amount.

Exception

(2) An estimate is not required if the repairs are to be made without charge to the consumer.

Charge for
estimate

(3) A repair station operator shall not charge a fee for making an estimate unless the operator advises the consumer of the charge before undertaking to make the estimate.

Cost of
reassembly

11. Where, in order to make an estimate, it is necessary to disassemble all or part of a motor vehicle, the amount referred to in subsection 1 of section 10 shall include the cost of reassembly should the consumer decide not to have the repairs carried out and the costs of labour and of any component required to replace a part that is rendered unusable as a result of the disassembling.

Content of
estimate

12. The estimate shall indicate,

- (a) the name and address of the consumer and repair station operator;
- (b) the make, model and registration number of the motor vehicle;
- (c) the nature and total cost of the repairs to be made;
- (d) a description of the parts to be installed, if any, specifying whether each part is new, used, re-tooled or reconditioned; and
- (e) the date and duration of the estimate.

Repairs not
included in
estimate

13.—(1) The repair station operator shall not carry out any repairs not provided for in the accepted estimate unless the operator obtains the express agreement of the consumer.

Record of
change in
estimate

(2) Where the operator obtains the express agreement of the consumer to make additional repairs, the operator shall indicate the terms of the agreement in the estimate and the date of the agreement.

Content of
repair bill

14. When a repair station operator has completed the repairs, the operator shall give the consumer a bill indicating,

- (a) the name and address of the consumer and repair station operator;
- (b) the make, model and registration number of the motor vehicle;
- (c) the date of delivery of the motor vehicle to the consumer and the number of miles or kilometres registered on the odometer of the motor vehicle on that date;
- (d) the repairs carried out;
- (e) the part or parts installed, specifying whether each part is new, used, re-tooled or reconditioned and the price of the part;
- (f) the number of hours of labour billed, the hourly rate and the total cost of labour;
- (g) the total amount the consumer is charged under clauses *e* and *f*; and
- (h) the terms of the warranty.

15. The repair station operator shall, if the consumer so requests, give to the consumer at the same time as the consumer takes delivery of the motor vehicle, the parts that have been replaced unless,

- (a) the repairs are made without charge to the consumer;
- (b) the part is exchanged for a re-tooled or reconditioned part; or
- (c) the replaced part is subject to a warranty contract under which the motor vehicle dealer must return the part to the manufacturer or to the distributor.

16.—(1) Repairs are guaranteed for three months or 5,000 kilometres, whichever occurs first, and the guarantee takes effect upon the delivery of the motor vehicle.

(2) The guarantee under subsection 1 does not apply to damage resulting from damage caused by the consumer after the repairs are completed.

17. Acceptance of the estimate or payment by the consumer does not prejudice his recourse against a repair station operator on the grounds of absence of prior authorization for the repairs, bad

workmanship or the price exceeding the price indicated in the estimate.

Posting up
of sign

18. A repair station operator who carries out motor vehicle repairs shall post in a conspicuous place in his establishment a sign informing consumers of the principal provisions of this Act.

Repair
warranty

19. In the case of a warranty provided under this Act,

- (a) the motor vehicle dealer or the manufacturer shall assume the reasonable costs of towing or breakdown service for the motor vehicle, whether the towing or breakdown service is carried out by the motor vehicle dealer, the manufacturer or a third person; or
- (b) the motor vehicle dealer or the manufacturer shall carry out the repairs to the motor vehicle and assume their cost or shall permit the consumer to have the repairs carried out by a third person and shall assume their cost.

Subsequent
purchaser

20. The motor vehicle dealer or the manufacturer is liable for the performance of a warranty provided for by this Act or of any other warranty to a consumer who is the subsequent purchaser of the motor vehicle.

Parts and
labour
included

21. The warranty provided for by this Act includes parts and labour.

Regulations

22. The Lieutenant Governor in Council may make regulations,

- (a) designating accessories for the purpose of clause *d* of section 8;
- (b) prescribing forms and providing for their use;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

23. This Act comes into force on the day it receives Royal Assent.

Short title

24. The short title of this Act is *The Motor Vehicle Sales and Service Protection Act, 1980*.

An Act respecting the Sale and Repair
of Motor Vehicles in Ontario

1st Reading

October 21st, 1980

2nd Reading

3rd Reading

MR. SAMIS

(Private Member's Bill)

BILL 175

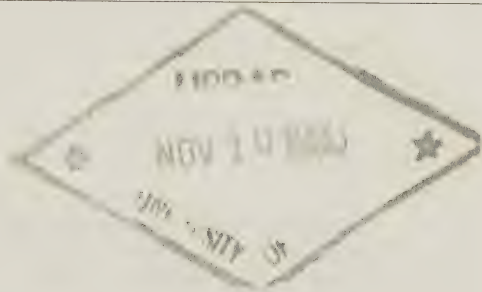
Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980

Legislative Assembly

An Act to provide for Municipal Hydro-Electric Service
in the City of Sudbury

THE HON. R. WELCH
Minister of Energy



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill establishes a new hydro-electric commission for the City of Sudbury.

A transitional period is provided before the new commission becomes fully operational.

The members of the Commission will be the mayor of the City and additional members qualified as municipal electors in the City.

The council of the City will determine whether after November 30, 1982 the members of the Commission should be elected or appointed.

All customers in Sudbury will be supplied with power by the new Commission.

The Bill does not affect existing agreements for the supply of power by private companies.

Provision is made for the transfer of employees and the protection of their salaries and benefits.

Bill 175

1980

An Act to provide for Municipal Hydro-Electric Service in the City of Sudbury

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “accumulated net retail equity” means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro’s rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) “City” means the municipality or corporation of the City of Sudbury;
- (c) “Commission” means the hydro-electric commission established by section 2;
- (d) “Minister” means the Minister of Intergovernmental Affairs;
- (e) “municipal commission” means the Hydro-Electric Commission of the City of Sudbury as it existed immediately before the coming into force of this Act;
- (f) “power” means electrical power and includes electrical energy;
- (g) “regulations” means the regulations made under this Act;
- (h) “retail”, when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not

refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

- | | |
|---|---|
| Commission established | 2.—(1) A hydro-electric commission, to be known as the “Sudbury Hydro-Electric Commission”, is hereby established for the City of Sudbury. |
| Application of R.S.O. 1970, cc. 390, 354 | (2) The Commission shall be deemed to be a commission established under Part III of <i>The Public Utilities Act</i> and a municipal commission within the meaning of <i>The Power Corporation Act</i> . |
| Composition 1977, c. 62 | (3) The Commission shall consist of the mayor of the City and additional members who are qualified electors under <i>The Municipal Elections Act, 1977</i> in the City. |
| When council may determine size of Commission | (4) Except as provided in subsection 5, the council of the City shall determine by by-law whether the number of additional members of the Commission shall be two or four. |
| First commission | (5) For the term expiring with the 30th day of November, 1982, the Commission shall consist of the mayor of the City and the following additional members who shall be appointed by the council of the City: <ol style="list-style-type: none"> 1. Two members of the municipal commission. 2. Two other persons who reside in the City of Sudbury, one of whom is a resident of that part of the City supplied with power by Ontario Hydro immediately before the coming into force of this Act. |
| Additional members of first commission | (6) Where the number of qualified additional members to be appointed under paragraph 1 of subsection 5 is less than the required number of additional members, the council of the City shall appoint an additional member or additional members so that there will be the required number of additional members of the Commission. |
| Additional members of subsequent commissions | (7) For terms commencing after the 30th day of November, 1982, the additional members of the Commission shall be elected by a general vote of the electors of the City, unless before the 1st day of July, 1982 the council of the City provides by by-law that the additional members shall be elected by wards or appointed by the council. |
| Eligibility of members of council | (8) Members of the council of the City may be members of the Commission, but the members of the council shall not form a majority of the Commission. |

(9) Subject to subsection 5, a member of the Commission shall hold office for the same term as the members of council or until his successor is elected or appointed. Term of office

(10) The council of the City may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the Commission. Delegates

(11) The salaries of the members of the Commission for the term expiring with the 30th day of November, 1982 shall be fixed on or before the 31st day of December, 1980 in an amount that does not exceed the highest salary paid to members of the municipal commission on the 1st day of January, 1980. Salary of first commission

(12) A resignation from the council of the City of a member of the council who is a member of the Commission shall be deemed to be a resignation from both the council and the Commission. Resignations

3.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1981, be exercised on behalf of the City by the Commission and not by the council of the City or any other person. Powers of commission
R.S.O. 1970,
c. 390

(2) On and after the 1st day of January, 1981, the Commission has the sole right to distribute and supply power within the City, except for those areas of the City then being supplied power by other than Ontario Hydro or the municipal commission. Right to distribute and supply power

(3) The right of the Commission to distribute and supply power, Exception to right to distribute and supply power

(a) is subject to any subsisting contracts for the supply of power made under section 70 of *The Power Corporation Act*; and R.S.O. 1970,
c. 354

(b) does not apply in respect of those parts of the City that are supplied with power as of the 31st day of December, 1980 by other than Ontario Hydro or the municipal commission.

(4) The Commission may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the Commission of power to be distributed and sold in the City. Contract with Ontario Hydro

(5) A contract under subsection 4 shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*. Idem
R.S.O. 1970,
c. 284

Application
of
R.S.O. 1970,
c. 354

(6) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the Commission.

Direct
customers

(7) With the consent of the Commission, Ontario Hydro may distribute and supply power directly to customers in the City.

Transfer of
assets and
liabilities

4.—(1) On the 1st day of January, 1981, all assets under the control and management of and all liabilities of the municipal commission are, without compensation, assets under the control and management of and liabilities of the Commission.

Transitional

(2) Any of the assets, powers and responsibilities of the municipal commission that pertain to the distribution and supply of power in the City may be transferred by agreement before the 1st day of January, 1981 to the Commission.

Purchase
of retail
distribution
facilities
from
Ontario
Hydro

5.—(1) On or before the 1st day of January, 1981, the Commission shall purchase, on behalf of the City, and Ontario Hydro shall sell to the Commission, the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in the City.

Leased
equipment

(2) The purchases mentioned in subsection 1 shall include equipment leased by Ontario Hydro to retail customers in the City for the use of power supplied to the retail customers.

Purchase
price

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets.

Interpre-
tation

6.—(1) In this section, "parties" means Ontario Hydro and the Commission.

Where price
to be
determined
by
arbitration

(2) If the purchase price under section 5 is not determined before the 1st day of January, 1982, either of the parties at any time thereafter may request that the purchase price be determined by a single arbitrator agreed on by the parties.

Application
of
R.S.O. 1970,
c. 25

(3) *The Arbitrations Act* applies where a request is made under subsection 2.

Vesting
of real
property

7.—(1) All real property transferred by section 4 to the control and management of the Commission or otherwise acquired by or

for the Commission shall be held by the Commission in trust for the City.

(2) Where a Commission is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the Commission and the City, the real property may be disposed of as follows:

Disposition
of real
property

1. In the event that the City wishes in good faith to use the real property for a municipal purpose, it shall compensate the Commission for the real property at its actual cost, less accrued depreciation as shown on the books of the Commission or the assessed value of the real property, whichever is the greater, and when the City in good faith no longer wishes to use the real property for a municipal purpose, the City may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the City does not wish to use the real property in accordance with paragraph 1, the Commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the City and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the Commission and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,
c. 390

8. Except as otherwise provided in this Act, sections 92 to 112 of *The Regional Municipality of Sudbury Act, 1972* apply, with necessary modifications, to any borrowing for the purposes of the Commission.

Borrowing
1972, c. 104

9.—(1) In this section, “transfer date”, when used in respect of an employee of the municipal commission or Ontario Hydro, means the date on which the Commission assumes liability for the payment of the wages or salary of the employee.

Interpre-
tation

(2) On or before the 31st day of December, 1980, Ontario Hydro and the municipal commission shall designate those of their full-time employees who were employed in the distribution and supply of power in the City on the 1st day of January, 1980, and who continued such employment until the 31st day of December, 1980 or until their transfer dates, as the case may be, and the Commission shall offer employment to the employees so designated in respect of the area municipality.

Transfer
of
employees

Wages
or
salaries

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Partici-
pation in
O.M.E.R.S.

(4) The Commission shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

R.S.O. 1970,
c. 324

Supple-
mentary
agreements

(5) When a person who accepts employment under this section with the Commission is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and the municipal commission, the Commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the Commission had been a party to the agreement in the place of the municipal commission.

Transfer of
pension
credits
from
Ontario
Hydro
Plan

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension
guarantee

(7) Notwithstanding subsection 4, a person who accepts employment under this section with the Commission and who,

(a) was employed by Ontario Hydro immediately before his transfer date; and

(b) continues in the employment of a municipal hydro-electric commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of

December, 1980, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of the Commission.

(9) On or before the 31st day of December, 1982, the Commission shall provide a common group life insurance plan covering all of the eligible employees of the Commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the Commission establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

(11) The Commission shall continue the provision of life insurance to pensioners formerly employed by the municipal commission.

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship.

10. For the purposes of section 132 of *The Regional Municipality of Sudbury Act, 1972*, the 1st day of January, 1981 is the date determined by the Minister in respect of the City and on that date the municipal commission is dissolved and any by-laws establishing it shall be deemed to be repealed and the assent of the municipal electors is not required.

11. The Lieutenant Governor in Council may make regulations,

- (a) for the purpose of subsection 3 of section 5 in respect of,
 - (i) the method of determining the original cost of the assets or of any asset or of any part of any asset,
 - (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
 - (iii) the method of determining the amount of any component of the accumulated net retail equity,
 - (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
 - (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
 - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
 - (vii) the method of payment of the price of the assets;
- (b) for the purposes of subsection 7 of section 9 in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. The short title of this Act is *The City of Sudbury Hydro-Electric Service Act, 1980*.

BILL 175

An Act to provide for Municipal
Hydro-Electric Service in the
City of Sudbury

1st Reading

October 27th, 1980

2nd Reading

3rd Reading

THE HON. R. WELCH
Minister of Energy

(Government Bill)

3
BILL 175

4TH SESSION, 31ST LEGISLATURE, ONTARIO

29 ELIZABETH II, 1980

Legislative Assembly

An Act to provide for Municipal Hydro-Electric Service
in the City of Sudbury

THE HON. R. WELCH
Minister of Energy

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

Bill 175

1980

An Act to provide for Municipal Hydro-Electric Service in the City of Sudbury

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “accumulated net retail equity” means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro’s rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) “City” means the municipality or corporation of the City of Sudbury;
- (c) “Commission” means the hydro-electric commission established by section 2;
- (d) “Minister” means the Minister of Intergovernmental Affairs;
- (e) “municipal commission” means the Hydro-Electric Commission of the City of Sudbury as it existed immediately before the coming into force of this Act;
- (f) “power” means electrical power and includes electrical energy;
- (g) “regulations” means the regulations made under this Act;
- (h) “retail”, when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not

refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Commission
established

2.—(1) A hydro-electric commission, to be known as the "Sudbury Hydro-Electric Commission", is hereby established for the City of Sudbury.

Application
of
R.S.O. 1970,
cc. 390, 354

(2) The Commission shall be deemed to be a commission established under Part III of *The Public Utilities Act* and a municipal commission within the meaning of *The Power Corporation Act*.

Composition
1977, c. 62

(3) The Commission shall consist of the mayor of the City and additional members who are qualified electors under *The Municipal Elections Act, 1977* in the City.

When council
may determine
size of
Commission

(4) Except as provided in subsection 5, the council of the City shall determine by by-law whether the number of additional members of the Commission shall be two or four.

First
commission

(5) For the term expiring with the 30th day of November, 1982, the Commission shall consist of the mayor of the City and the following additional members who shall be appointed by the council of the City:

1. Two members of the municipal commission.
2. Two other persons who reside in the City of Sudbury, one of whom is a resident of that part of the City supplied with power by Ontario Hydro immediately before the coming into force of this Act.

Additional
members of
first
commission

(6) Where the number of qualified additional members to be appointed under paragraph 1 of subsection 5 is less than the required number of additional members, the council of the City shall appoint an additional member or additional members so that there will be the required number of additional members of the Commission.

Additional
members of
subsequent
commissions

(7) For terms commencing after the 30th day of November, 1982, the additional members of the Commission shall be elected by a general vote of the electors of the City, unless before the 1st day of July, 1982 the council of the City provides by by-law that the additional members shall be elected by wards or appointed by the council.

Eligibility
of members
of council

(8) Members of the council of the City may be members of the Commission, but the members of the council shall not form a majority of the Commission.

(9) Subject to subsection 5, a member of the Commission shall hold office for the same term as the members of council or until his successor is elected or appointed. Term of office

(10) The council of the City may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the Commission. Delegates

(11) The salaries of the members of the Commission for the term expiring with the 30th day of November, 1982 shall be fixed on or before the 31st day of December, 1980 in an amount that does not exceed the highest salary paid to members of the municipal commission on the 1st day of January, 1980. Salary of first commission

(12) A resignation from the council of the City of a member of the council who is a member of the Commission shall be deemed to be a resignation from both the council and the Commission. Resignations

3.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by *The Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1981, be exercised on behalf of the City by the Commission and not by the council of the City or any other person. Powers of commission R.S.O. 1970, c. 390

(2) On and after the 1st day of January, 1981, the Commission has the sole right to distribute and supply power within the City, except for those areas of the City then being supplied power by other than Ontario Hydro or the municipal commission. Right to distribute and supply power

(3) The right of the Commission to distribute and supply power, Exception to right to distribute and supply power

(a) is subject to any subsisting contracts for the supply of power made under section 70 of *The Power Corporation Act*; and R.S.O. 1970, c. 354

(b) does not apply in respect of those parts of the City that are supplied with power as of the 31st day of December, 1980 by other than Ontario Hydro or the municipal commission.

(4) The Commission may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the Commission of power to be distributed and sold in the City. Contract with Ontario Hydro

(5) A contract under subsection 4 shall be deemed to be an agreement within the meaning of clause s of subsection 2 of section 293 of *The Municipal Act*. Idem R.S.O. 1970, c. 284

Application
of
R.S.O. 1970,
c. 354

(6) Except where inconsistent with the provisions of this Act, the provisions of *The Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the Commission.

Direct
customers

(7) With the consent of the Commission, Ontario Hydro may distribute and supply power directly to customers in the City.

Transfer of
assets and
liabilities

4.—(1) On the 1st day of January, 1981, all assets under the control and management of and all liabilities of the municipal commission are, without compensation, assets under the control and management of and liabilities of the Commission.

Transitional

(2) Any of the assets, powers and responsibilities of the municipal commission that pertain to the distribution and supply of power in the City may be transferred by agreement before the 1st day of January, 1981 to the Commission.

Purchase
of retail
distribution
facilities
from
Ontario
Hydro

5.—(1) On or before the 1st day of January, 1981, the Commission shall purchase, on behalf of the City, and Ontario Hydro shall sell to the Commission, the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in the City.

Leased
equipment

(2) The purchases mentioned in subsection 1 shall include equipment leased by Ontario Hydro to retail customers in the City for the use of power supplied to the retail customers.

Purchase
price

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets.

Interpre-
tation

6.—(1) In this section, "parties" means Ontario Hydro and the Commission.

Where price
to be
determined
by
arbitration

(2) If the purchase price under section 5 is not determined before the 1st day of January, 1982, either of the parties at any time thereafter may request that the purchase price be determined by a single arbitrator agreed on by the parties.

Application
of
R.S.O. 1970,
c. 25

(3) *The Arbitrations Act* applies where a request is made under subsection 2.

Vesting
of real
property

7.—(1) All real property transferred by section 4 to the control and management of the Commission or otherwise acquired by or

for the Commission shall be held by the Commission in trust for the City.

(2) Where a Commission is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the Commission and the City, the real property may be disposed of as follows:

Disposition
of real
property

1. In the event that the City wishes in good faith to use the real property for a municipal purpose, it shall compensate the Commission for the real property at its actual cost, less accrued depreciation as shown on the books of the Commission or the assessed value of the real property, whichever is the greater, and when the City in good faith no longer wishes to use the real property for a municipal purpose, the City may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the City does not wish to use the real property in accordance with paragraph 1, the Commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the City and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the Commission and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,
c. 390

8. Except as otherwise provided in this Act, sections 92 to 112 of *The Regional Municipality of Sudbury Act, 1972* apply, with necessary modifications, to any borrowing for the purposes of the Commission.

Borrowing
1972, c. 104

9.—(1) In this section, “transfer date”, when used in respect of an employee of the municipal commission or Ontario Hydro, means the date on which the Commission assumes liability for the payment of the wages or salary of the employee.

Interpre-
tation

(2) On or before the 31st day of December, 1980, Ontario Hydro and the municipal commission shall designate those of their full-time employees who were employed in the distribution and supply of power in the City on the 1st day of January, 1980, and who continued such employment until the 31st day of December, 1980 or until their transfer dates, as the case may be, and the Commission shall offer employment to the employees so designated in respect of the area municipality.

Transfer
of
employees

Wages
or
salaries

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Partici-
pation in
O.M.E.R.S.

(4) The Commission shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Act comes into force, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and *The Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

R.S.O. 1970,
c. 324

Supple-
mentary
agreements

(5) When a person who accepts employment under this section with the Commission is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and the municipal commission, the Commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the Commission had been a party to the agreement in the place of the municipal commission.

Transfer of
pension
credits
from
Ontario
Hydro
Plan

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension
guarantee

(7) Notwithstanding subsection 4, a person who accepts employment under this section with the Commission and who,

(a) was employed by Ontario Hydro immediately before his transfer date; and

(b) continues in the employment of a municipal hydro-electric commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of

December, 1980, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection 4 shall be apportioned and paid as provided by the regulations.

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of the Commission.

(9) On or before the 31st day of December, 1982, the Commission shall provide a common group life insurance plan covering all of the eligible employees of the Commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the Commission establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

(11) The Commission shall continue the provision of life insurance to pensioners formerly employed by the municipal commission.

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship.

10. For the purposes of section 132 of *The Regional Municipality of Sudbury Act, 1972*, the 1st day of January, 1981 is the date determined by the Minister in respect of the City and on that date the municipal commission is dissolved and any by-laws establishing it shall be deemed to be repealed and the assent of the municipal electors is not required.

11. The Lieutenant Governor in Council may make regulations,

- (a) for the purpose of subsection 3 of section 5 in respect of,
- (i) the method of determining the original cost of the assets or of any asset or of any part of any asset,
 - (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
 - (iii) the method of determining the amount of any component of the accumulated net retail equity,
 - (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
 - (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
 - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
 - (vii) the method of payment of the price of the assets;
- (b) for the purposes of subsection 7 of section 9 in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. The short title of this Act is *The City of Sudbury Hydro-Electric Service Act, 1980*.

BILL 175

An Act to provide for Municipal
Hydro-Electric Service in the
City of Sudbury

1st Reading

October 27th, 1980

2nd Reading

November 4th, 1980

3rd Reading

November 14th, 1980

THE HON. R. WELCH
Minister of Energy

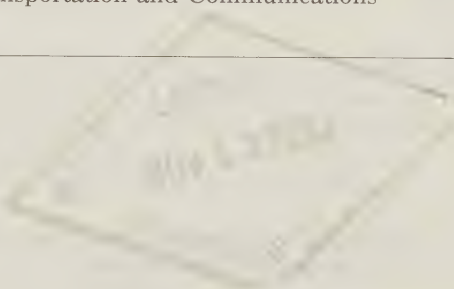
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BILL 176

Government Bill

4TH SESSION, 31ST LEGISLATURE, ONTARIO
29 ELIZABETH II, 1980 *Legislation Branch*

An Act to amend
The Toronto Area Transit Operating Authority Act, 1974

THE HON. J. W. SNOW
Minister of Transportation and Communications



EXPLANATORY NOTES

SECTION 1. Currently, the chairman of the Authority is appointed by the Lieutenant Governor in Council for a five-year term. The term is being reduced to three years subject to the incumbent serving out his full five-year term.

Certain provisions of *The Public Vehicles Act* regulating the leasing of buses do not apply in respect of a bus leased to or from the Authority.

SECTION 2. The objects of the Authority are being expanded and clarified. Section 6 (b) currently reads as follows:

(b) to co-ordinate the operations of surface and subsurface inter-regional transit systems and surface and subsurface regional transit systems and to operate, within the area of jurisdiction of the Authority on routes where the Authority operates an inter-regional transit service, transit services within a regional area at the request of and under an agreement with the council of the regional area or the council of an area municipality within the regional area.

The proposed change to section 6 (c) is complementary to the new section 6 (b).

BILL 176

1980

An Act to amend The Toronto Area Transit Operating Authority Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 2 of *The Toronto Area Transit Operating Authority Act, 1974*, being chapter 69, is amended by striking out “five” in the second line and inserting in lieu thereof “three”. s. 2 (3),
amended

(2) The said section 2, as amended by the Statutes of Ontario, 1977, chapter 39, section 2, is further amended by adding thereto the following subsection: s. 2,
amended

(10) Sections 2a and 9b of *The Public Vehicles Act* do not apply to the Authority or to the holder of an operating licence issued under that Act who leases a bus to or from the Authority. Where
R.S.O. 1970,
c. 392
does not apply

(3) Notwithstanding subsection 3 of section 2 of *The Toronto Area Transit Operating Authority Act, 1974*, as amended by subsection 1, the member appointed by the Lieutenant Governor in Council holding office on the day this Act comes into force remains in office until his term of five years expires. Present
chairman

2.—(1) Clause *b* of section 6 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 39, section 4, is repealed and the following substituted therefor: s. 6 (b),
re-enacted

(b) to facilitate the operational integration of surface and subsurface inter-regional transit systems and surface and subsurface regional transit systems, and to operate, within the area of jurisdiction of the Authority on routes where the Authority operates an inter-regional transit service, transit services within a regional area at the request of and under an agreement with the council of the regional area or the council of an area municipality within the regional area.

s. 6 (c),
amended

- (2) Clause *c* of the said section 6 is amended by striking out “co-ordinating” in the second line and inserting in lieu thereof “operational integration”.

s. 7 (1) (e),
amended

- 3.—(1) Clause *e* of subsection 1 of section 7 of the said Act is amended by striking out “the integration or co-ordination or both” in the first line and inserting in lieu thereof “the operational integration”.

s. 7 (2) (d) (i),
amended

- (2) Subclause *i* of clause *d* of subsection 2 of the said section 7, as re-enacted by the Statutes of Ontario, 1977, chapter 39, section 5, is amended by inserting after “with” in the second line “or without”.

ss. 7a, 7b,
enacted

4. The said Act is amended by adding thereto the following sections:

Agreements
with
Minister

7a.—(1) The Minister and the Authority may, subject to the approval of the Lieutenant Governor in Council, enter into an agreement that the Authority shall establish, acquire, construct, operate and maintain a transit system that is not within or limited to its area of jurisdiction.

Powers

(2) The powers of the Authority under subsection 2 of section 7 shall extend to activities carried out by the Authority pursuant to an agreement entered into under subsection 1, and, for purposes of carrying out the terms of the agreement, shall not be limited to inter-regional transit systems.

Payment of
expenditures

(3) The Minister may pay all or part of the expenditures, pursuant to an agreement made under subsection 1, to establish, acquire, construct, operate and maintain a transit system and to acquire lands and equipment necessary and incidental thereto.

Use of “GO
Transit”
trademark

7b. The Authority is hereby granted the non-exclusive right to use the trademark “GO Transit” and shall identify all transit vehicles and railway rolling stock, when practical, operated by or on behalf of the Authority by the display of the trademark thereon.

s. 10 (3),
re-enacted

5. Subsection 3 of section 10 of the said Act is repealed and the following substituted therefor:

Motor vehicle
owner and
driver liable
for penalties

(3) The owner of a vehicle may be charged with and convicted of any contravention of a regulation made under subsection 1 prohibiting or regulating vehicular traffic for which the driver of the vehicle is subject to be charged unless, at the time of the contravention, the vehicle was in the possession of some person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed for the offence.

SECTION 3.—Subsection 1. The proposed change is complementary to the new section 6*b* of the Act.

Subsection 2. Section 7 (2) (*d*) of the Act currently enables the Authority to enter into agreements to lease out transit vehicles owned by the Authority with drivers. The proposed amendment permits the leasing of vehicles without drivers.

SECTION 4. The provisions set out in the proposed section 7*a* of the Act permits the Minister and the Authority to enter into agreements related to transit systems and enables the Minister to contribute, in whole or in part, toward the cost.

The proposed section 7*b* of the Act is self-explanatory.

SECTION 5. Section 10 of the Act authorizes the making of regulations and provides for a penalty for contravention of certain regulations.

The proposed amendment clarifies that in respect of parking and traffic offences, the owner of a vehicle may be charged and convicted without the driver of the vehicle being charged. A similar clarification was enacted in *The Highway Traffic Act* in the spring.

6. This Act comes into force on the day it receives Royal Assent. Commence-
ment
7. The short title of this Act is *The Toronto Area Transit Operating* Short title
Authority Amendment Act, 1980.

BILL 176

An Act to amend
The Toronto Area Transit Operating
Authority Act, 1974

1st Reading

October 30th, 1980

2nd Reading

3rd Reading

THE HON. J. W. SNOW
Minister of Transportation and
Communications

(Government Bill)



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